

# Nomination Requirements

## March 5, 2024, Presidential Primary Election

### Presidential Candidates

- I. There are two methods by which a person may have their name placed on the ballot as a presidential candidate in the March 5, 2024, Presidential Primary Election:
- by determination of the Secretary of State that a person is a generally-recognized candidate, or
  - by circulating nomination papers.

A. Generally Advocated for or Recognized Candidates

“Generally advocated for or recognized candidate” or “recognized candidate” means an individual who has an authorized campaign committee registered with the Federal Election Commission for the office of President of the United States and submits proof of at least one of the following criteria:

- a. qualified for funding under the Federal Election Campaign Act of 1974 (52 U.S.C. Sec. 30101, et seq.)
- b. appeared as a candidate in a national presidential debate hosted by a political party qualified to participate in a primary election, with at least two participating candidates, and publicly available for viewing by voters in more than one state during the current presidential election cycle. A “political party qualified to participate in a primary election” means any political party qualified in California, a major or minor-ballot qualified political party in another state, or a national committee of a political party recognized by the Federal Election Commission
- c. placed or qualified for placement on a presidential primary ballot or a caucus ballot of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle
- d. candidate or qualified to be a candidate in a caucus of a major or minor ballot-qualified political party in at least one other state in the current presidential election cycle
- e. has the following: current presidential campaign internet website or webpage hosted by the candidate or a qualified political party, and a written request submitted on the candidate’s behalf by a party qualified to participate in the primary election to the Secretary of State requesting the candidate be placed on the presidential primary ballot

§ 6000.1

- 1) On or before November 28, 2023 (E-98), a candidate shall file with the Secretary of State a form of “Proof of Generally Advocated for or Recognized Candidate” and attach supporting documentation. § 6000.2

- 2) On or before December 8, 2023 (E-88), the Secretary of State will announce the names of the candidates of the Democratic, Republican, American Independent, Green, Libertarian, and Peace and Freedom parties selected to appear on the March 5, 2024, ballot for the office of President. This selection is based on the determination that the candidates are generally advocated for or recognized candidates.

§§ 6000.1, 6000.2, 6041-6043, 6340-6342, 6520-6522, 6720-6724, 6852, 6853

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- 3) The Secretary of State shall notify the candidate that their name will appear on the ballot of this state in the Presidential Primary Election and that the candidate may withdraw their name no later than December 28, 2023 (E-68). § 6042
- 4) The last day a candidate may withdraw from the list of candidates to be certified by the Secretary of State is December 28, 2023 (E-68). To withdraw, the candidate must file an affidavit pursuant to Section 6043 with the Secretary of State. §§ 6042, 6043

**B. Candidates Circulating Nomination Papers**

Candidates not selected by the Secretary of State may qualify to appear on the March 5, 2024, ballot for the office of President by circulating petitions statewide to gather signatures of voters registered in their party.

1) Democratic Party

Democratic candidates must gather signatures in each congressional district from voters who have selected a preference with the Democratic Party equal in number to not less than 1% or 500, whichever is fewer, in each congressional district of the number of persons who have selected a preference with the Democratic Party in the 154-Day Report of Registration issued by the Secretary of State. The period for circulating nomination petitions is November 6, 2023 (E-120) through December 15, 2023 (E-81).

§§ 2187(c)(1), 6061, 6082, 6101, 6108, 6122

2) Republican, American Independent, Green, Libertarian, and Peace and Freedom Parties

Republican, American Independent, Green, Libertarian, and Peace and Freedom party candidates must gather signatures from 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 their respective party in the 154-Day Report of Registration issued by the Secretary of State. The period for circulating nomination petitions is November 6, 2023 (E-120) through December 15, 2023 (E-81).

§§ 2187(c)(1), 6343, 6360-6365, 6382, 6568, 6580-6587,  
6591,6725, 678-6791, 6853.5-6857.2

- II. A. On or before November 6, 2023 (E-120), the chairperson of each qualified party (other than the Green Party) must notify the Secretary of State of the number of delegates to represent California at the party's national nominating convention. Prior to the Presidential Primary Election, each Democratic and Republican candidate must file a slate of the requisite number of delegates for their party, selected according to the party's requirements. For the American Independent, Libertarian, and Peace and Freedom parties, each group of candidates for delegate must receive the endorsement of a candidate for the presidential nomination, which must be filed with the Secretary of State.

§§ 6020, 6023, 6320, 6321, 6461, 6540, 6541,  
6740, 6741, 6744, 6745, 6763, 6765, 6863, 6863.5

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- B. Green Party delegates will be chosen after the Presidential Primary Election, in accordance with its bylaws and rules. §§ 6861.5(c), 6863, 6863.5

**United States Senator, United States Representative in Congress, and Member of the State Legislature Candidates**

A. Nomination Documents — Nomination Papers and Declaration of Candidacy

All candidates for office, other than the office of U.S. Senator and U.S. Representative in Congress, at the primary election must obtain nomination documents from the county elections official of the candidate's county of residence. A candidate running for the office of U.S. Senator, may obtain nomination documents from the county elections official of the candidate's county of residence or another county elections official. A candidate running for the office of U.S. Representative in Congress, who does not reside in the district where seeking office, can obtain nomination documents from the county elections official in any county within the district where the candidate is seeking office. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. The nomination documents are made available on November 13, 2023 (E-113) and are provided free of charge. §§ 333, 8020, 8040, 8041, 8064, 8101

No person may file nomination papers for more than one office at the same election. Between November 13, 2023 (E-113), and December 8, 2023 (E-88), nomination papers must be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8003(b), 8020, 8063

The Declaration of Candidacy must be delivered to the county elections official of the candidate's county of residence by December 8, 2023 (E-88). However, a candidate running for the office of U.S. Senator can deliver the Declaration of Candidacy to the county elections official of the county in which the candidate resides and is a voter or another county. Additionally, a candidate running for the office of U.S. Representative in Congress, who does not reside in the district where seeking office, can deliver the Declaration of Candidacy to the county elections official in any county within the district where the candidate is seeking office. §§ 8040, 8064

The county elections official shall require all candidates filing a Declaration of Candidacy to execute the declaration in their 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 December 8, 2023 (E-88), to the office of the county elections official from whom it was received. Any person may return the completed Declaration of Candidacy. §§ 8020, 8028, 8064

The county elections official shall forward all nomination documents to the Secretary of State for filing within five days after being left with the county elections official. §§ 8063, 8064, 8070, 8082

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**B. Signatures In Lieu of Filing Fee**

The county elections official shall provide the petitions in lieu of filing fee to a candidate, upon request. The petitions shall first be made available on September 14, 2023 (E-173). § 8106(b)

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all or a portion of the filing fee. Any registered voter may sign a petition in lieu of filing fee for any candidate for whom they are eligible to vote. § 8106

The last day to submit the petition in lieu of filing fee to the elections official of the county in which the signatures were gathered is November 8, 2023 (E-118). The petitions cannot be filed at the Secretary of State's office. That portion of the filing fee not covered by the signatures must be paid in full before the candidate obtains nomination documents. §§ 8061, 8105, 8106(b)

**C. Signatures In Lieu of Filing Fee and/or Nomination Papers**

Signatures on a petition in lieu of filing fee shall be combined with the number of sponsor signatures required for the candidate's nomination papers. If the petition contains the requisite number of valid signatures required for the nomination papers, the candidate is not required to circulate and file nomination papers. If the petition does not contain the requisite number of valid signatures required for the nomination papers, the candidate must circulate and file nomination papers during the nomination period. The in-lieu-filing-fee petitions and nomination papers are separate forms that are issued by the county elections official. The nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8061, 8063, 8106

**NOTE:** If the candidate has submitted sufficient valid signatures on in-lieu-filing-fee petitions to satisfy the nomination requirement, they must still file a Declaration of Candidacy during the nomination period. § 8020(a)(1)

**Ballot Designations**

Each candidate who submits a Declaration of Candidacy with a ballot designation shall file a completed ballot designation worksheet that supports the use of the ballot designation by the candidate. The ballot designation worksheet shall be filed with the county elections official at the same time that the candidate files their Declaration of Candidacy. § 13107.3

The ballot 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 written request must be accompanied by a ballot designation worksheet. § 13107(h)

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#### **In General**

All forms required for nomination and election to statewide and legislative offices (declaration of candidacy, nomination papers, and ballot designation worksheet) shall be furnished by the county elections official.

At the time of issuing any candidate forms, the officer providing the form shall:

- Type on the form the name of the candidate and the office for which they are a candidate,
- Imprint a stamp in the section of the form that reads “Official Filing Form,” and
- Affix their signature on the form. § 8101

The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, in-lieu-filing-fee petitions are available without first paying the filing fee. All filing fees are nonrefundable. §§ 8105, 8106

#### **Member of the State Legislature Candidates: Campaign Filings and Responsibilities**

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

##### **A. Candidate Intention Statement**

File with the Secretary of State’s Political Reform Division a Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including re-election to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes. Gov. Code § 85200

##### **B. Campaign Contribution Account**

1. File a Statement of Organization-Recipient Committee (Form 410) with the Secretary of State’s Political Reform Division within 10 days of receiving \$2,000 or more in a calendar year. Gov. Code §§ 82013(a), 84101
2. Establish one campaign contribution account at an office of a financial institution located in California after filing the Candidate Intention Statement. Gov. Code § 85201(a)
3. 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)
4. Deposit any personal funds, which will be used to promote the election of the candidate, in the account prior to expenditure. Gov. Code § 85201(d)
5. Make all campaign expenditures from the account. Gov. Code § 85201(e)

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#### **C. Exceptions**

1. Part A and Part B, numbers 4 and 5, above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from their personal funds.  
Gov. Code §§ 85200, 85201(f)
2. Part B, above, does not apply if the candidate does not receive contributions and makes campaign expenditures from personal funds of less than \$2,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code § 85201(g)
3. An individual who raises contributions from others for their campaign but raises or spends less than \$2,000 in a calendar year, shall establish a campaign contribution account but is not required to file a Statement of Organization or other statement of bank account information.  
Gov. Code § 85201(h)

#### **Additional Filing Information**

Under the provisions of Proposition 34 adopted by voters in November of 2000, all candidates for elective state office may agree to abide by voluntary spending limits, provided that their acceptance of the voluntary spending limits has been timely filed with the Secretary of State. Candidates for state legislative office may purchase space for a 250-word candidate statement in the county voter information guide of the county in their jurisdiction. In multi-jurisdictional contests, candidates must submit and purchase statements in each county in which they want their candidate statement to appear. Candidates may purchase space for a candidate statement only if they accept the voluntary expenditure limits on their Candidate Intention Statement (Form 501) by December 8, 2023 (E-88). Once the voluntary expenditure limits are accepted (or rejected), the spending-limits decision applies to both the primary and general elections. However, a candidate who has not exceeded the voluntary spending limits may revoke and change their acceptance or rejection of the voluntary spending limits no more than two times after the initial filing of the Form 501, provided that the amendment to the filer's Form 501 is received by the Secretary of State before the deadline for filing the candidate's nomination papers, December 8, 2023 (E-88).

Additionally, the law permits a state candidate to change their mind and accept the spending limits for the general election, if an amended Form 501 is filed within 14 days following the primary (March 19, 2024 [E+14]) indicating the candidate's intention to accept the spending limits in the general election, provided that the filer has not exceeded the spending limits in the primary.

Gov. Code §§ 85200, 85400, 85401, 85600, 85601

All candidates for state legislative offices who raise or spend \$25,000 or more must file their contribution and expenditure disclosure statements electronically and on paper. Information can be found on the Political Reform Division's page on the Secretary of State's website at [www.sos.ca.gov/campaign-lobbying/electronic-filing-information/](http://www.sos.ca.gov/campaign-lobbying/electronic-filing-information/).

State legislative candidates may download all the latest campaign disclosure manuals and forms from the Fair Political Practices Commission's website at [www.fppc.ca.gov](http://www.fppc.ca.gov) or the Secretary of State's website at [www.sos.ca.gov/campaign-lobbying/](http://www.sos.ca.gov/campaign-lobbying/). Candidates may also call the Secretary of State's

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Political Reform Division at (916) 653-6224 for additional information. Please contact the Fair Political Practices Commission at (916) 322-5660 or (866) 275-3772 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, etc.

A congressional 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 Federal Election Campaign Act, As Amended, related regulations providing the filing requirements for reporting campaign contributions, and the forms on which to file.

Elections Code section 16 requires that the county elections official provide a copy of Government Code section 84305 to each candidate or their agent at the time of filing the Declaration of Candidacy. Government Code section 84305 is reproduced here for your information:

(a) (1) Except as provided in subdivision (b), a candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the candidate's, candidate controlled committee established for an elective office for the controlling candidate's, or political party committee's address is a matter of public record with the Secretary of State.

(2) Except as provided in subdivision (b), a committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass mailing that is not required to include a disclosure pursuant to Section 84504.2 unless the name, street address, and city of the committee is shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type that is in a color or print that contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the committee's address is a matter of public record with the Secretary of State.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) (1) A candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee shall not send a mass electronic mailing unless the name of the candidate or committee is shown in the electronic mailing preceded by the words "Paid for by" in at least the same size font as a majority of the text in the electronic mailing.

(2) A committee, other than a candidate controlled committee established for an elective office for the controlling candidate or a political party committee, shall not send a mass electronic mailing that is not required to include a disclosure pursuant to Section 84502 or 84504.3 unless the name of the committee is shown in the electronic mailing preceded by

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the words “Paid for by” in at least the same size font as a majority of the text in the electronic mailing.

(d) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a) or (c).

(e) For purposes of this section, the following terms have the following meanings:

(1) “Mass electronic mailing” means sending more than 200 substantially similar pieces of electronic mail within a calendar month. “Mass electronic mailing” does not include a communication that was solicited by the recipient, including, but not limited to, acknowledgments for contributions or information that the recipient communicated to the organization.

(2) “Sender” means the candidate, candidate controlled committee established for an elective office for the controlling candidate, or political party committee who pays for the largest portion of expenditures attributable to the designing, printing, and posting of the mailing which are reportable pursuant to Sections 84200 to 84216.5, inclusive.

(3) To “pay for” a share of the cost of a mass mailing means to make, to promise to make, or to incur an obligation to make, any payment: (A) to any person for the design, printing, postage, materials, or other costs of the mailing, including salaries, fees, or commissions, or (B) as a fee or other consideration for an endorsement or, in the case of a ballot measure, support or opposition, in the mailing.

(f) This section does not apply to a mass mailing or mass electronic mailing that is paid for by an independent expenditure.