



SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

Summary of Qualifications and Requirements for

Write-In Candidates

for the
March 2, 2004 Primary Election
or the
November 2, 2004 General Election

I. QUALIFICATIONS

- A. A candidate for **United States Senator** shall be at least 30 years of age, a U.S. citizen for nine years, and a resident of California when elected. U.S. Const., Art. I, §3
- B. A candidate for **Member, House of Representatives**, shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected. U.S. Const. Art. I, §2
- C. A candidate for **State Legislative** office shall:
1. Be a U.S. citizen. Cal. Const. Art. IV, §2(c)
 2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201¹
 3. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate; not have served three terms in the State Assembly since November 6, 1990, if a candidate for State Assembly. Cal. Const. Art. IV, §2(a)

II. General Requirements

In general, write-in candidates must file declarations of write-in candidacy and submit

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

nomination sponsor signatures, as well as meet campaign disclosure requirements. They do not pay filing fees. The specific requirements follow.

A. Campaign Committee Filings and Responsibilities

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

1. For **state legislative offices** comply with the following Political Reform Act requirements:

a. Statement of Intention

File with the Secretary of State Political Reform Division an original and one copy of a statement of intention to be a candidate for a specific 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. Gov. Code §85200

b. Campaign Contribution Account

Establish one campaign contribution account at an office of a financial institution located in California upon filing the statement of intention.

1. 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.
2. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure.
3. All campaign expenditures shall be made from the account.

Gov. Code §§85200 & 85201

c. Exceptions

1) Parts a and b(3) and (4), 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)

2) Part b, 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)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Secretary of State Political Reform Division within 5 days of establishing the account. Gov. Code §85201(h)

2. For **federal offices**, the write-in candidate 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 Federal Election Campaign Act, As Amended, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

B. Statement of Write-In Candidacy

1. The statement of write-in candidacy shall contain the following information:
 - a. candidate's name;
 - b. candidate's complete residence address;
 - c. a declaration stating that the candidate is a write-in candidate;
 - d. the name of the office for which the candidate is running; and
 - e. the party nomination which the candidate seeks, if running in a primary election;
 - f. the date of the election. §8600

2. The statement of write-in candidacy shall set forth in full the oath or affirmation provided in Section 3 of Article XX of the California Constitution. §200

3. For the **primary election**, the statement of write-in candidacy and nomination papers must be filed between January 5 and February 17, 2004.
 - a) The candidate does not have to be registered with the party whose nomination he or she is seeking, nor with any qualified political party. He or she must be registered to vote in California.
 - b) The candidate may seek the nomination of more than one qualified political party. The candidate must file a statement of write-in candidacy and nomination papers for each nomination.

4. For the **general election**, the statement of write-in candidacy must be filed between September 6 and October 19, 2004.
 - a) The candidate does not have to be registered with any qualified political party. He or she must be registered to vote in California.

C. Filing Fee

Write-in candidates are not required to pay filing fees. §8604

D. Nomination Papers

1. The required number of signers to a write-in candidate's nomination paper for the respective offices are as follows:
 - a. **United State Senator:** 65-100
 - b. **Member of House of Representatives, State Legislative Office:** Not less than 40 nor more than 60.

2. For the **primary election**, between January 5 and February 17, 2004, circulate nomination papers for signatures and leave them for examination with the county

elections official of the county in which the signers reside. §8601

a) **Signers** must be of the same political party as the party in which the write-in candidate is seeking nomination in the primary.

3. For the **general election**, between September 6 and October 19, 2004, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8601

a) There is no party affiliation requirement for signers of write-in nomination petitions in the general election.

4. Circulators shall be voters in the district in which the candidate is seeking election, if running for a district office; circulators shall be registered voters in California if the candidate is seeking statewide office. §8066

5. Each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter not later than February 17, 2004 for the primary election; not later than October 19, 2004 for the general election. §§8063 & 8601

E. Primary Election Write-In Candidates Qualifying to Have Name Printed on General Election Ballot

In order for a write-in candidate in the primary election to qualify as the nominee of a political party and have his or her name printed on the general election ballot, he or she must receive more votes than any other candidate running for the party's nomination and must also receive write-in votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled. The minimum number of votes required to obtain the write-in nomination are attached as pages 11–15 of this document. §8605

F. Statement of Economic Interests

Each state candidate except those running for Congress and U.S. Senate 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. Govt. Code §87201

Candidates for federal office may have similar requirements under federal law and should contact the Federal Election Commission.

This statement must be filed between January 5 and February 17, 2004, for the **March 2, 2004 Primary Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction. Govt. Code §87201

This statement must be filed between September 6 and October 19, 2004, for the **November 2, 2004 General Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

Govt. Code §87201

III. Canvass of Write-In Votes

- A. No name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has been certified as a write-in candidate. §15341
 - 1. See Title 2 California Code of Regulations §§20101-20105, attached, for provisions relating to the canvass of incomplete write-in votes.
- B. The name of a write-in candidate shall be written by hand upon a ballot. The use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and a name indicated by any such method shall not be counted. §15342

Frequently-Asked Questions Concerning Write-In Candidacies

Q.: Can anyone run as a write-in candidate?

A.: Any person who meets the qualifications for the specific office may run as a write-in candidate. However, in order for votes to be counted and certified, the candidate must comply with the specific legal requirements set forth above.

Q.: Where can persons obtain the forms they must file to run as a write-in candidate?

A.: There is no statutory provision requiring county elections officials to supply forms; however, the official may have the forms necessary for a candidate to complete in order to run as a write-in candidate. The candidate should check with his/her county elections official.

Q.: Must a write-in candidate running in the November general election meet the 3-month party affiliation/twelve-month party disaffiliation requirement in order to run in the November general election (as is required for primary write-in candidates)?

A.: No.

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 information.

Title 2 California Code of Regulations Write-In Canvass Provisions

Section 20101. Definitions.

- (a) For the purpose of sections 20102-20105, "qualified write-in candidate" shall refer to candidates who have complied with Part 3² of Division 8 of the Elections Code (beginning at Section 8600).
- (b) For the purpose of sections 20102-20105, "ballot" shall include ballot envelope, card, or paper ballot on which write-in votes are authorized to be indicated by Elections Code §302.

Section 20102. Write-in vote; no office indicated.

The name of a qualified write-in candidate shall be counted when the name is written in on a voter's ballot and no office is indicated for the candidate, or the office is incompletely indicated (e.g., "Senator" without district number), if:

- (a) the candidate is a qualified write-in candidate for an office properly appearing on the voter's ballot; and
- (b) no other qualified write-in candidate for any office appearing on the voter's ballot bears a name so similar to the name as written in, considering the voter's misspellings or omission of portions of the name, if any, as to leave a reasonable doubt as to the voter's intention.

Section 20103. Write-in vote; misspelled or incomplete name.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate when the office for which the candidate has qualified is also indicated on the voter's ballot, if:

- (a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and
- (b) no other write-in candidate qualified for the indicated office has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20104. Write-in vote; misspelled or incomplete name, office omitted.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate even though the office for which the candidate has qualified is omitted or incompletely indicated on the voter's ballot, when:

- (a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and
- (b) no other write-in candidate qualified for any office properly appearing on the voter's ballot has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20105. Write-in vote; wrong office indicated.

The name of a write-in candidate qualified for an office appearing on the voter's ballot which is written in the pre-printed column designated for an office other than one for which the write-in candidate is qualified shall not be counted for any purpose.

² The Elections Code sections referenced in these regulations have been changed to reflect the accurate Elections Code sections to which they refer, but the regulations themselves have not been similarly amended.

**Write-in Candidates - 2004
Representative in Congress
(53 Districts)**

District	Total Votes November 2002	Votes Required for Nomination	District	Total Votes November 2002	Votes Required for Nomination
1	185,216	1,853	28	103,326	1,034
2	178,985	1,790	29	121,541	1,216
3	194,918	1,950	30	185,593	1,856
4	228,506	22,286	31	67,243	673
5	131,578	1,316	32	85,079	851
6	209,563	2,096	33	118,449	1,185
7	138,376	1,384	34	65,824	659
8	160,441	1,605	35	93,407	935
9	166,917	1,670	36	143,751	1,438
10	167,197	1,672	37	87,012	871
11	173,956	1,740	38	88,027	881
12	154,984	1,550	39	95,346	954
13	121,723	1,218	40	136,642	1,367
14	171,678	1,717	41	135,533	1,356
15	133,022	1,331	42	145,246	1,453
16	107,986	1,080	43	68,340	684
17	149,296	1,493	44	120,463	1,205
18	109,593	1,096	45	133,533	1,336
19	157,802	1,579	46	176,265	1,763
20	74,770	748	47	70,178	702
21	124,198	1,242	48	179,549	1,796
22	164,285	1,643	49	122,497	1,225
23	162,222	1,623	50	172,701	1,728
24	185,006	1,851	51	102,787	1,028
25	124,336	1,244	52	169,010	1,691
26	149,530	1,496	53	116,180	1,162
27	128,811	1,289			

Write-in Candidates - 2004
State Senate – Odd numbered Districts

District	Total Votes Nov. 2000	Votes Required for Nomination	District	Total Votes Nov. 2000	Votes Required for Nomination
1	381,499	3,815	21	268,445	2,685
3	326,905	3,270	23	319,804	3,199
5	296,280	2,963	25	160,100	1,601
7	363,124	3,632	27	258,747	2,588
9	262,234	2,623	29	262,343	2,624
11	310,333	3,104	31	261,527	2,616
13	205,410	2,055	33	323,980	3,240
15	280,800	2,808	35	315,542	3,156
17	268,360	2,684	37	285,705	2,858
19	287,315	2,874	39	285,735	2,858

MEMBER OF THE STATE ASSEMBLY

District	Total Votes November 2002	Votes Required for Nomination	District	Total Votes November 2002	Votes Required for Nomination
1	132,039	1,321	41	116,566	1,166
2	117,881	1,179	42	113,061	1,131
3	127,308	1,274	43	76,257	763
4	136,744	1,368	44	100,697	1,007
5	122,140	1,222	45	47,140	472
6	138,955	1,390	46	31,544	316
7	101,787	1,018	47	88,944	890
8	98,842	989	48	47,128	472
9	84,351	844	49	56,141	562
10	120,206	1,203	50	42,780	428
11	95,462	955	51	50,191	502
12	92,850	929	52	40,526	406
13	110,333	1,104	53	112,724	1,128
14	102,373	1,024	54	99,440	995
15	136,671	1,367	55	60,517	606
16	92,354	924	56	64,270	643
17	75,230	753	57	60,538	606
18	84,655	847	58	70,900	709
19	100,488	1,005	59	103,227	1,033
20	80,075	801	60	90,224	903
21	119,198	1,192	61	49,763	498
22	83,101	832	62	41,505	416
23	52,071	521	63	81,239	813
24	69,992	700	64	87,469	875
25	110,983	1,110	65	89,347	894
26	84,609	847	66	81,135	812
27	125,950	1,260	67	101,013	1,011
28	71,500	715	68	78,847	789
29	103,601	1,037	69	38,879	389
30	52,906	530	70	110,544	1,106
31	41,050	411	71	95,534	956
32	103,141	1,032	72	80,041	801
33	122,188	1,222	73	95,096	951
34	74,517	746	74	108,794	1,088
35	117,393	1,174	75	110,156	1,102
36	72,668	727	76	102,134	1,022
37	118,682	1,187	77	105,832	1,059
38	106,482	1,065	78	92,892	929
39	47,898	479	79	56,942	570
40	78,229	783	80	70,011	701