



Summary of Qualifications and Requirements for

WRITE-IN CANDIDATES

for the June 6, 2006 Primary Election

or the

November 7, 2006 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)
- D. A candidate for **Governor or Lieutenant Governor** shall:
1. Be a U.S. citizen. Cal. Const. Art. V, §§2 & 9
 2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
 3. Not have served two terms as Governor since November 6, 1990, if a candidate for Governor; not have served two terms as Lieutenant Governor since November 6, 1990, if a candidate for Lieutenant Governor. Cal. Const. Art. V, §§2 & 11

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

E. A candidate for **Secretary of State, Controller, Treasurer, or Superintendent of Public Instruction** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
2. Not have served in the same office for more than two terms since November 6, 1990.
Cal. Const. Art. V, §11, & Art. IX, §2

F. A candidate for **Attorney General** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
2. Have been admitted to practice before the California Supreme Court for a period of at least five years immediately preceding his or her election to such office.
Govt. Code § 12503
3. Not have served two terms as Attorney General since November 6, 1990.
Cal. Const. Art. V, §11

G. A candidate for **Insurance Commissioner** shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. §201
2. During tenure of office, 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. Insurance Code § 12901
3. Not have served two four-year terms as Insurance Commissioner.
Insurance Code § 12900(a)

H. A candidate for **Member, State Board of Equalization**, shall:

1. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201
2. Not have served two terms as a Member of the State Board of Equalization since November 6, 1990. Cal. Const. Art. XIII, §17
- 3.

II. GENERAL REQUIREMENTS

In general, write-in candidates must file declarations of write-in candidacy and submit 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 constitutional, Insurance Commissioner, and state legislative offices** comply with the following Political Reform Act requirements:

a. Statement of Intention

File with the Secretary of State Political Reform Division 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. Govt. 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.

Govt. Code §§85200 & 85201

c. Exceptions

1) Parts a and b (2) and (3), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from his or her personal funds.

Govt. 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)

d. 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.

Govt. 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;
 - e. the party nomination which the candidate seeks, if running in a primary election;
and
 - 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 April 10 and May 23, 2006.
 - 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 11 and October 24, 2006.
 - 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. Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, United State Senator, and Superintendent of Public Instruction: **Not less than 65 nor more than 100.**
 - b. State Board of Equalization, Member of House of Representatives, State Legislative Office: **Not less than 40 nor more than 60.**

2. For the **primary election**, between April 10 and May 23, 2006, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8601

Signers must be voters in the district or political subdivision in which the write-in candidate is to be voted on and of the same political party as the party in which the write-in candidate is seeking nomination in the primary. The political party requirement does not apply to nomination petitions for the nonpartisan office of Superintendent of Public Instruction. §8068

3. For the **general election**, between September 11 and October 24, 2006, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. §8601

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 May 23, 2006 for the primary election; not later than October 24, 2006 for the general election. §§8063 & 8601

E. 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 9-12 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 April 10 and May 23, 2006, for the **June 6, 2006 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 11 and October 24, 2006, for the **November 7, 2006 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

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(c)

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 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.

Office	Total Votes November 2002	Votes Required For Nomination
Partisan:		
Governor	7,476,311	74,764
Lieutenant Governor	7,411,160	74,112
Secretary of State	7,257,886	72,579
Controller	7,258,758	72,588
Treasurer	7,193,469	71,935
Attorney General	7,241,717	72,242
Insurance Commissioner	7,200,429	72,005
United States Senator*	10,623,614	106,237
Board of Equalization		
First District	1,988,224	19,883
Second District	1,803,972	18,040
Third District	1,729,782	17,298
Fourth District	1,359,115	13,592
Nonpartisan:		
Superintendent of Public Instruction	6,058,051	60,581

*Nomination requirement based on vote cast November 2000

UNITED STATES REPRESENTATIVE IN CONGRESS

District	Total Votes November 2004	Votes Required for Nomination	District	Total Votes November 2004	Votes Required for Nomination
1	282,971	2,830	28	162,510	1,626
2	272,429	2,725	29	206,832	2,069
3	287,073	2,871	30	304,147	3,042
4	339,369	3,394	31	111,411	1,115
5	193,387	1,934	32	140,146	1,402
6	311,667	3,117	33	188,314	1,884
7	219,277	2,193	34	110,457	1,105
8	270,064	2,701	35	156,407	1,565
9	255,039	2,551	36	244,044	2,441
10	278,099	2,781	37	159,318	1,594
11	267,169	2,672	38	116,851	1,169
12	252,599	2,526	39	164,964	1,650
13	201,921	2,020	40	217,301	2,174
14	261,888	2,619	41	218,937	2,190
15	214,338	2,144	42	246,025	2,461
16	182,281	1,823	43	130,834	1,309
17	223,225	2,233	44	225,123	2,252
18	153,705	1,538	45	230,490	2,305
19	235,264	2,353	46	276,690	2,767
20	114,236	1,143	47	108,783	1,088
21	192,315	1,924	48	290,872	2,909
22	209,384	2,094	49	226,466	2,265
23	244,297	2,443	50	289,328	2,894
24	284,378	2,844	51	180,879	1,809
25	225,970	2,260	52	271,438	2,715
26	251,207	2,513	53	221,436	2,215
27	201,198	2,012			

STATE SENATOR

District	Total Votes November 2002	Votes Required for Nomination
2	247,044	2,471
4	255,134	2,552
6	172,733	1,728
8	230,420	2,305
10	154,300	1,543
12	152,861	1,529
14	175,369	1,754
16	99,250	993
18	153,878	1,539
20	88,902	890
22	68,202	683
24	111,092	1,111
26	123,814	1,239
28	184,813	1,849
30	120,060	1,201
32	89,862	899
34	102,510	1,026
36	218,394	2,184
38	200,578	2,006
40	117,854	1,179

MEMBER OF THE STATE ASSEMBLY

District	Total Votes November 2004	Votes Required for Nomination	District	Total Votes November 2004	Votes Required for Nomination
1	195,561	1,956	41	178,823	1,789
2	178,294	1,783	42	190,091	1,901
3	188,294	1,883	43	122,954	1,230
4	210,113	2,102	44	161,834	1,619
5	174,129	1,742	45	81,751	818
6	204,867	2,049	46	52,407	525
7	168,216	1,683	47	146,710	1,468
8	161,013	1,611	48	76,622	767
9	116,712	1,168	49	94,365	944
10	160,949	1,610	50	75,918	760
11	143,512	1,436	51	106,450	1,065
12	144,363	1,444	52	59,923	600
13	181,743	1,818	53	188,631	1,887
14	182,347	1,824	54	168,232	1,683
15	204,788	2,048	55	110,394	1,104
16	143,195	1,432	56	111,853	1,119
17	110,592	1,106	57	106,354	1,064
18	127,270	1,273	58	115,072	1,151
19	160,255	1,603	59	170,693	1,707
20	127,838	1,279	60	158,303	1,584
21	190,120	1,902	61	91,401	915
22	130,307	1,304	62	79,617	797
23	93,217	933	63	143,699	1,437
24	158,493	1,585	64	157,726	1,578
25	163,342	1,634	65	152,130	1,522
26	125,305	1,254	66	148,758	1,488
27	188,486	1,885	67	168,773	1,688
28	106,843	1,069	68	129,059	1,291
29	152,693	1,527	69	62,797	628
30	78,037	781	70	184,701	1,848
31	86,234	863	71	174,698	1,747
32	164,640	1,647	72	136,814	1,369
33	177,461	1,775	73	159,101	1,592
34	116,968	1,170	74	172,900	1,729
35	173,528	1,736	75	181,750	1,818
36	134,960	1,350	76	172,839	1,729
37	182,096	1,821	77	164,748	1,648
38	174,581	1,746	78	156,743	1,568
39	72,953	730	79	92,176	922
40	119,744	1,198	80	114,074	1,141