

Political Party Qualification Process, Requirements, and History

The method by which political parties gain, and retain, qualified status in California is prescribed in Elections Code §§ 5000-5200.

In order to achieve initial qualified status, thereby allowing a political party to participate in a state-sanctioned primary election to nominate candidates for the November general election, a proposed political party must:

1. Hold a caucus or convention to elect temporary officers and designate a party name; § 5001(a)
2. File a formal notice with the Secretary of State, declaring that the political body has organized, elected temporary officers, and declared an intent to qualify as a political party pursuant to Elections Code section 5100. This notice must include names and addresses of the temporary officers of the political body; § 5001(b)

and
3. No later than 135 days before the primary election in which they wish to participate, achieve a statewide registration with that party designated by registrants equaling at least 1% of the total votes cast at the preceding gubernatorial election; or § 5100(b)

No later than 135 days before the primary election in which they wish to participate, file with the Secretary of State a petition signed by voters equal in number to at least 10% of the total votes cast at the preceding gubernatorial election. § 5100(c)

Currently, in order to qualify by registration, a new party needs 88,991 registrants. To qualify by petition, 889,906 signatures are needed.

Once qualified, a political party maintains its qualified status by:

1. Retaining registrants representing at least 1/15 of 1% (.00067%) of the total state registration; § 5101

and
2. Having one of its statewide candidates (running for Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, or United States Senator) receive at least 2% of the total of the votes cast statewide for that office in the preceding gubernatorial election; or § 5100(a)
3. Retaining statewide registration equaling at least 1% of the total votes cast at the preceding gubernatorial election. § 5100(b)

There are currently six qualified political parties in California. In addition to the Democratic and Republican parties, which have participated in state primary elections since 1910, six other parties have qualified since 1967. In 1968, both the American Independent Party and the Peace and Freedom Party qualified by the voter registration method; however, in 1998, the Peace and Freedom Party failed to meet the requirement that one of its candidates receive 2% of the vote and so lost its qualified status. The Libertarian Party achieved the requisite number of registrants in 1980; the Green Party reached the required number in 1992; and the Natural Law and Reform parties garnered the requisite number of

registered voters in 1996. In 2002, the Reform Party failed to meet the requirement that one of its candidates receive 2% of the vote and lost its qualified status. In 2003, the Peace and Freedom Party regained its qualified status. The Natural Law party lost its status in 2006 because it failed to meet the requirement that one of its statewide candidates receive 2% of the vote.

Since the statewide party nomination process began in 1910, 18 parties have qualified to participate in primary elections, including:

*Democratic 1910 - present	Progressive 1934 - 1938
*Republican 1910 - present	Townsend 1938 - 1942
*Independence League 1906 - 1910	Independent Progressive 1948 - 1954
*Prohibition 1910 - 1962	American Independent 1968 - present
*Socialist 1910 - 1938	Peace and Freedom 1968 - 1998; 2003 - present
Progressive (Bull Moose) 1912 - 1918	Libertarian 1980 - present
Liberty 1932 - 1934	Green 1992 - present
Commonwealth 1934 - 1938	Natural Law 1996 - 2006
Communist 1934 - 1944	Reform 1996 - 2002

Prior to 1910, many parties either conducted conventions or held their own primary elections to select their candidates for the statewide general election.

*Active before 1910.

**Offices to be voted on
at the June 8, 2010, Primary Election
Candidate Qualifications and Information**

Partisan Offices

Office	Term of Office	Term Begins	Districts	Qualifications
Governor Lt. Governor	4 yrs.	Jan. 3, 2011	N/A	Citizen of the United States, resident of California, registered voter, and otherwise qualified to vote for that office. ¹ May not serve in the same office for more than two terms. ² The Governor may not hold another office.
Secretary of State, Controller, Treasurer	4 yrs.	Jan. 3, 2011	N/A	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. ³
Attorney General	4 yrs.	Jan. 3, 2011	N/A	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. ³ Gov. Code § 12503
Insurance Commissioner	4 yrs.	Jan. 3, 2011	N/A	Citizen of the United States, resident of California, and a registered voter. 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. Ins. Code §§ 12900 & 12901
Member, State Board of Equalization	4 yrs.	Jan. 3, 2011	4	Citizen of the United States, resident of the district, registered voter, and otherwise qualified to vote for the office at the time nomination papers are issued. May not serve in the same office for more than two terms. ⁴
United States Senator	6 yrs.	Jan. 3, 2011 (12:00 noon)	N/A	At least 30 years of age, citizen of the United States for at least nine years, and inhabitant of the state when elected. U.S. Const., Art. I, § 3
United States Representative in Congress	2 yrs.	Jan. 3, 2011 (12:00 noon)	53	At least 25 years of age, citizen of the United States for at least seven years, and inhabitant of the state when elected. U.S. Const., Art. I, § 2

¹§ 201; Article V, Section 2, of the California Constitution requires California residency for five years; however, it is the legal opinion of our office that this provision violates the U.S. Constitution.

² Cal. Const., art. V, §§ 2, 9, & 11

³ § 201; Cal. Const., art. V, § 11

⁴ § 201; Cal. Const., art. XIII, § 17

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Partisan Offices (cont.)

Office	Term of Office	Term Begins	Districts	Qualifications
State Senator	4 yrs.	Dec. 6, 2010	20 (even - numbered)	Citizen of the United States and registered voter in the district at the time nomination papers are issued. ¹ May not serve more than two terms in the State Senate. ²
Member of the State Assembly	2 yrs.	Dec. 6, 2010	80	Citizen of the United States and registered voter in the district at the time nomination papers are issued. ¹ May not serve more than three terms in the State Assembly. ²

Nonpartisan Office

Office	Term of Office	Term Begins	Districts	Qualifications
Superintendent of Public Instruction	4 yrs.	Jan. 3, 2011	N/A	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. ³

¹ § 201; Article IV, Section 2(c), of the California Constitution requires one year residency in the legislative district and California residency for three years; however, it is the legal opinion of our office that these provisions violate the U.S. Constitution.

² Cal. Const., art. IV, § 2

³ Cal. Const., art. IX, § 2