



**DEBRA BOWEN** | SECRETARY OF STATE  
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

---

**Summary of Qualifications and Requirements for**

**WRITE-IN CANDIDATES**

for the June 8, 2010, Primary Election

or the

November 2, 2010, 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 Senator** or **Member of the Assembly** office shall:

1. Be a U.S. citizen. Cal. Const., art. IV, § 2(c)<sup>1</sup>

2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § Elections Code 201<sup>2</sup>

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<sup>3</sup>

2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. § 201

---

<sup>1</sup>Article IV, section 2(c), of the California Constitution requires a one-year residency in the legislative district and three years residency in California; however, it is the legal opinion of this office that these provisions violate the U.S. Constitution and are unenforceable.

<sup>2</sup>Unless otherwise stated, all code references are to the California Elections Code.

<sup>3</sup>Article V, section 2 of the California Constitution requires a five-year residency in California; however, it is the legal opinion of this office that this provision violates the U.S. Constitution.

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

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. Gov. 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 of the 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

## 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 comply with the following:

1. For the offices of **Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the State Board of Equalization, State Senator, and Member of the Assembly**, the write-in candidate must comply with the following Political Reform Act requirements:

- a. Candidate Intention Statement

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, including personal funds used for campaign purposes.

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 (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.

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)

- 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.  
Gov. Code § 85201(h)
2. For **federal offices**, the write-in candidate should visit the website of the Fair Political Practices Commission at [www.fppc.ca.gov](http://www.fppc.ca.gov) and contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463 or call toll-free (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 residence address;
  - c. a declaration stating that the candidate is a write-in candidate;
  - d. the title 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 12, 2010 and May 25, 2010.
  - 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, 2010 and October 19, 2010.
  - 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 States Senator, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, or Treasurer: **Not less than 65 nor more than 100.**

b. Member of the House of Representatives, State Board of Equalization, State Senate, or Assembly: **Not less than 40 nor more than 60.**

§ 8062(a)

2. For the **primary election**, between April 12, 2010 and May 25, 2010, 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. § 8603

3. For the **general election**, between September 6, 2010, and October 19, 2010, 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 25, 2010, for the primary election; not later than October 19, 2010, 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.

Gov. 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 12, 2010, and May 25, 2010, for the **June 8, 2010, Primary Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction. Gov. Code § 87201

This statement must be filed between September 6, 2010, and October 19, 2010, for the **November 2, 2010, General Election**. It is not required if the candidate has filed such a statement within the past sixty days for the same jurisdiction.

Gov. 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 California Code of Regulations, title 2, sections 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 someone 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: Is there a filing fee for write-ins?**

A: No.

**IMPORTANT NOTICE**

This Summary 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 3<sup>4</sup> 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.

---

<sup>4</sup>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.



**United States Senator  
and Statewide Offices  
Votes Required for Nomination**

<b>Office</b>	<b>Total Votes November 2006</b>	<b>Votes Required For Nomination*</b>
Partisan:		
United States Senator	8,541,476	85,415
Partisan:		
Governor	8,679,416	86,795
Lieutenant Governor	8,529,165	85,292
Secretary of State	8,385,573	83,856
Controller	8,361,049	83,611
Treasurer	8,320,202	83,203
Attorney General	8,450,009	84,501
Insurance Commissioner	8,325,397	83,254
Board of Equalization		
First District	2,322,174	23,222
Second District	2,072,379	20,724
Third District	2,013,480	20,135
Fourth District	1,583,849	15,839
<b>Office</b>	<b>Total Votes June 2006</b>	<b>Votes Required For Nomination*</b>
Nonpartisan:		
Superintendent of Public Instruction**	4,040,962	40,410

\*Nomination requirement based on 1% of votes cast at the November 2006 general election.

\*\* §§ 8140 & 8605 The 1% total for the office of Superintendent of Public Instruction is based on the votes cast during the June 2006 Primary—the last time a candidate was elected to that particular office. Since the candidate was elected to the nonpartisan office at the primary election, the office did not appear on the ballot at the ensuing general election.

**House of Representatives  
Votes Required for Nomination**

<b>Congressional District</b>	<b>Total Votes November 2008</b>	<b>Votes Required for Nomination*</b>	<b>Congressional District</b>	<b>Total Votes November 2008</b>	<b>Votes Required for Nomination*</b>
1	290,472	2,905	28	137,621	1,377
2	282,337	2,824	29	212,144	2,122
3	314,046	3,141	30	242,792	2,428
4	369,780	3,698	31	110,955	1,110
5	221,155	2,212	32	130,150	1,302
6	320,362	3,204	33	213,460	2,135
7	234,773	2,348	34	127,769	1,278
8	285,247	2,853	35	182,579	1,826
9	277,600	2,776	36	250,491	2,505
10	295,165	2,952	37	175,252	1,753
11	297,616	2,977	38	159,324	1,594
12	266,853	2,669	39	179,822	1,799
13	218,276	2,183	40	231,695	2,317
14	272,766	2,728	41	258,700	2,587
15	238,589	2,386	42	263,313	2,634
16	205,327	2,054	43	156,571	1,566
17	228,626	2,287	44	253,827	2,539
18	130,192	1,302	45	266,192	2,662
19	182,101	1,822	46	285,277	2,853
20	125,141	1,252	47	123,584	1,236
21	209,815	2,099	48	308,702	3,088
22	224,549	2,246	49	240,670	2,407
23	251,788	2,518	50	313,502	3,136
24	300,052	3,001	51	203,825	2,039
25	250,589	2,506	52	285,138	2,852
26	267,130	2,672	53	235,542	2,356
27	212,835	2,129			

\*Nomination requirement based on 1% of votes cast at the November 2008 general election. § 8605

**State Senator  
Votes Required for Nomination**

<b>Senate District</b>	<b>Total Votes November 2006</b>	<b>Votes Required for Nomination*</b>
2	284,646	2,847
4	299,607	2,997
6	197,026	1,971
8	230,226	2,303
10	186,484	1,865
12	155,418	1,555
14	250,483	2,505
16	78,146	782
18	211,877	2,119
20	112,836	1,129
22	93,249	933
24	124,886	1,249
26	149,626	1,497
28	209,206	2,093
30	131,776	1,318
32	85,301	854
34	112,587	1,126
36	258,732	2,588
38	218,010	2,181
40	136,370	1,364

\*Nomination requirement based on 1% of votes cast at the November 2006 general election. § 8605

**State Assembly  
Votes Required for Nomination**

<b>Assembly District</b>	<b>Total Votes November 2008</b>	<b>Votes Required for Nomination*</b>	<b>Assembly District</b>	<b>Total Votes November 2008</b>	<b>Votes Required for Nomination*</b>
1	194,647	1,947	41	178,111	1,782
2	180,659	1,807	42	187,259	1,873
3	188,705	1,888	43	135,355	1,354
4	166,736	1,668	44	161,588	1,616
5	187,916	1,880	45	86,375	864
6	208,985	2,090	46	60,736	608
7	178,299	1,783	47	157,645	1,577
8	170,407	1,705	48	86,452	865
9	126,404	1,265	49	92,929	930
10	189,106	1,892	50	75,082	751
11	159,796	1,598	51	124,667	1,247
12	157,611	1,577	52	84,595	846
13	195,529	1,956	53	188,809	1,889
14	162,432	1,625	54	166,896	1,669
15	240,993	2,410	55	118,017	1,181
16	154,883	1,549	56	120,692	1,207
17	117,005	1,171	57	108,529	1,086
18	149,376	1,494	58	120,953	1,210
19	170,092	1,701	59	179,121	1,792
20	139,166	1,392	60	166,332	1,664
21	188,705	1,888	61	100,805	1,009
22	143,479	1,435	62	78,003	781
23	106,399	1,064	63	165,932	1,660
24	167,628	1,677	64	124,414	1,245
25	172,174	1,722	65	175,871	1,759
26	136,560	1,366	66	164,133	1,642
27	192,671	1,927	67	174,124	1,742
28	90,012	901	68	133,273	1,333
29	167,330	1,674	69	71,514	716
30	86,540	866	70	198,265	1,983
31	92,947	930	71	149,166	1,492
32	174,417	1,745	72	144,282	1,443
33	179,056	1,791	73	165,561	1,656
34	121,883	1,219	74	178,675	1,787
35	177,857	1,779	75	189,459	1,895
36	154,343	1,544	76	177,106	1,772
37	195,944	1,960	77	167,073	1,671
38	188,697	1,887	78	169,288	1,693
39	80,689	807	79	106,577	1,066
40	123,572	1,236	80	133,225	1,333

\*Nomination requirement based on 1% of votes cast at the November 2008 general election. § 8605