

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 sections 5000-5200.¹

In order to achieve initial qualified status, thereby allowing a political party to participate in the next primary election or the next presidential 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 either Elections Code section 5100 or 5151. This notice must include the names and addresses of the temporary officers of the political body; § 5001(b)

and

3. Use one of two methods to qualify as a political party: voter registration or petition. §§ 5100, 5151

Voter Registration

Qualifying a new political party by voter registration requires that 103,004 (1% of 10,300,392 votes cast at the last gubernatorial election) eligible persons complete an affidavit of registration, on which they have disclosed a preference for the political body intending to qualify as a political party, by writing in the name of the political body. §§ 5100(b), 5151(c)

These completed affidavits of registration must be submitted to the county elections officials 154 days prior to a primary election (if intending to qualify to participate in the next primary election) or 123 days before a presidential general election (if intending to qualify to participate in the next presidential general election). The completed affidavits of registration should be submitted to the elections official in the counties of the voters' residences. Affidavits may be submitted to the Secretary of State's office; however, this will result in a delay in the receipt of the affidavits by counties. The 154th day prior to the June 3, 2014, Primary Election is December 31, 2013. § 2187(d)(1) & (d)(4)

No later than 135 days prior to any primary election and no later than 102 days prior to a presidential general election, the Secretary of State must determine, from examining and totaling the reports of registration from the counties, that the political body obtained voter registrations equal in number to 1% of the votes cast at the last gubernatorial election. The 135th day prior to the June 3, 2014, Primary Election is January 19, 2014. §§ 5100(b), 5151(c)

Petition

To qualify a new political party by petition, no later than 135 days prior to the primary election or the presidential general election, the Secretary of State must determine if a political body intending to qualify collected 1,030,040 (10% of 10,300,392 votes cast at the last gubernatorial election) petition signatures of registered voters. §§ 5100(c), 5151(d)

In order for the Secretary of State to make this determination on or before the 135th day prior to the primary election or the presidential general election, the counties must have ample time to count and verify the signatures. The 135th day prior to the June 3, 2014, Primary Election is January 19, 2014. § 2187(d)(1) & (d)(4)

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, 5153

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 entire vote of the state for that office at the last gubernatorial election; §§ 5100(a), 5151(b)

or

Retaining statewide registration equaling at least 1% of the total votes cast at the last gubernatorial election. §§ 5100(b), 5151(c)

There are currently **seven** qualified political parties in California: Democratic, Republican, American Independent, Americans Elect, Green, Libertarian, and Peace and Freedom. In addition to the Democratic and Republican parties, which have participated in state primary elections since 1910, seven 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 for the particular office and therefore lost its qualified status. The Libertarian Party achieved the requisite number of registrants in 1980; the Green Party reached the required number in 1992. In 1995, the Natural Law and the Reform parties garnered the requisite number of registered voters. In 2003, the Peace and Freedom Party regained its qualified status and the Reform Party failed to meet the requirements to retain its qualified status. The Natural Law Party lost its qualified status in 2006. In 2011, the Americans Elect Party qualified using the petition method.

Since the statewide party nomination process began in 1910, 19 parties have qualified to participate in primary elections, including:

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| * Democratic 1910-present | Townsend 1938-1942 |
| * Republican 1910-present | Independent Progressive 1948-1954 |
| * Independence League 1910 | American Independent 1968-present |
| * Prohibition 1910-1962 | Peace and Freedom 1968-1998; 2003-present |
| * Socialist 1910-1938 | Libertarian 1980-present |
| * Progressive (Bull Moose) 1912-1918 | Green 1992-present |
| Liberty 1932-1934 | Natural Law 1995-2006 |
| Commonwealth 1934-1938 | Reform 1995-2002 |
| Communist 1934-1944 | Americans Elect 2011-present |
| Progressive 1934-1938 | |

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

For additional information regarding qualifying a political party, please visit the Secretary of State's website at www.sos.ca.gov/elections/political-party-qualification.htm.

*Active before 1910

¹ Assembly Bill (AB) 1419 amends and adds various Election Code sections addressing political party qualification. AB 1419 becomes effective January 1, 2014.