

Nomination Requirements
June 7, 2016, Presidential Primary Election

Presidential Candidates

Between January 9, 2016* (E-150), and March 31, 2016** (E-68), the Secretary of State will announce the names of the candidates of the Democratic Party he has selected to appear on the June 7, 2016, ballot for the office of President. §§ 6041-6043

On or before February 8, 2016 (E-120), the Secretary of State will announce the names of the candidates of the Republican, American Independent, Green¹, Libertarian, and Peace and Freedom parties he has selected to appear on the June 7, 2016, ballot for the office of President. §§ 6340-6342, 6520-6522, 6720-6724, 6852, 6853

Selection is based on any combination of several criteria including, but not limited to:

- Being generally recognized as seeking the office
- Qualifying for federal matching funds
- Appearing in public opinion polls, candidates' forums, or debates
- Being on other states' primary ballots as a presidential candidate
- Actively campaigning in California for the presidency
- Having a campaign office in California
- Advice and input from the chairs of the respective state parties or state central committees.

Candidates not selected by the Secretary of State may qualify to appear on the June 7, 2016, ballot for the office of President by circulating petitions statewide to gather signatures of voters registered in their party.

A. Democratic candidates must gather signatures in each congressional district from voters who have selected a preference with the Democratic Party equal in number to not less than 1% or 500, whichever is fewer, in each congressional district of the number of persons who have selected a preference with the Democratic Party in the 154-Day Report of Registration issued by the Secretary of State. The period for circulating nomination petitions is January 29, 2016 (E-130), through March 26, 2016** (E-73). §§ 2187(d)(1), 6061, 6101, 6108, 6122

B. Republican, American Independent, Green, Libertarian, and Peace and Freedom party candidates must gather signatures from voters who have selected a preference with the party whose nomination is sought equal in number to not less than 1% of the number of persons who have selected a preference with their respective party in the 154-Day Report of Registration issued by the Secretary of State. The period for circulating nomination petitions is February 24, 2016 (E-104), through March 25, 2016 (E-74).

§§ 2187(d)(1), 6343, 6360, 6362, 6365, 6382, 6568, 6581, 6586, 6591, 6725, 6781, 6786, 6791, 6854.5

On or before February 8, 2016 (E-120), the chairperson of each qualified party (other than the Green Party) must notify the Secretary of State of the number of delegates to represent California at the party's national nominating convention. Prior to the Presidential Primary Election, each Democratic and Republican candidate must file a slate of the requisite number of delegates for his/her party, selected according to the party's requirements. For the American Independent, Libertarian, and Peace and Freedom parties, each group of candidates for delegate must receive the endorsement of a candidate for the presidential nomination, which must be filed with the Secretary of State.

§§ 6020, 6023, 6320, 6321, 6461, 6540, 6541, 6740,
6741, 6744, 6745, 6763, 6765, 6863, 6863.5

United States Senator, United States Representative in Congress, and Member of the State Legislature Candidates

Nomination Documents — Nomination Papers and Declaration of Candidacy

All candidates for offices at the primary election must obtain nomination documents from the county elections official of the candidate's county of residence. Nomination documents include nomination papers for collecting signatures and a Declaration of Candidacy that must be executed by the candidate. The nomination documents are made available on February 15, 2016* (E-113), and are provided free of charge.

§§ 333, 8020, 8040, 8041, 8064, 8101

No person may file nomination papers for more than one office at the same election. Between February 15, 2016* (E-113), and March 11, 2016 (E-88), nomination papers must be delivered to the county elections official of the county in which the signer resides and is a voter.

§§ 8003(b), 8020, 8063

The Declaration of Candidacy must be delivered to the county elections official of the candidate's county of residence by March 11, 2016 (E-88). However, a candidate running for the office of U.S. Representative in Congress, who does not reside in the district where seeking office, can obtain the Declaration of Candidacy from and deliver it to the county elections official in any county within the district where the candidate is seeking office.

§§ 8040, 8064

The county elections official shall require all candidates filing a Declaration of Candidacy to execute the declaration in his or her office unless the candidate, in a written statement signed and dated by the candidate, designates a third party to obtain the declaration form from the county elections official and to deliver it to the candidate. The written statement shall state that the candidate is aware that the Declaration of Candidacy must be properly executed and delivered not later than March 11, 2016 (E-88), to the office of the county elections official from whom it was received. Any person may return the completed Declaration of Candidacy.

§§ 8020, 8028, 8064

The county elections official shall forward all nomination documents to the Secretary of State for filing within five days after being left with the county elections official.

§§ 8063, 8064, 8070, 8082

Signatures In Lieu of Filing Fee

The county elections official shall provide the petitions in lieu of filing fee to a candidate, upon request. The petitions shall first be made available on January 1, 2016* (E-158).

§ 8106(b)

A candidate may submit a petition containing signatures of registered voters in lieu of paying the filing fee in order to run for office. The signatures submitted may cover all or any prorated portion of the filing fee. Any registered voter may sign a petition in lieu of filing fee for any candidate for whom he or she is eligible to vote. § 8106

The last day to submit the petition in lieu of filing fee to the elections official of the county in which the signatures were gathered is February 25, 2016 (E-103). The petitions cannot be filed at the Secretary of State's office. No additional signatures may be filed after the filing date, but supplemental signatures may be filed to replace signatures in the original filing that were found to be invalid. That portion of the filing fee not covered by the signatures must be paid in full before the nomination documents may be filed. § 8106(b)

Signatures In Lieu of Filing Fee and/or Nomination Papers

A candidate who submits signatures on petitions in lieu of filing fee may request that the county elections official count all valid signatures appearing on the petition toward, and combine them with, the number of sponsor signatures required for the candidate's nomination papers. If the petition contains the requisite number of valid signatures required for the nomination papers, the candidate is not required to circulate and file nomination papers, but may request the county elections official to accept the petition in lieu of filing fee as nomination papers. If the petition does not contain the requisite number of valid signatures required for the nomination papers, the candidate may still circulate and file nomination papers during the nomination period. The in-lieu-filing-fee petitions and nomination papers are separate forms that are issued by the county elections official. The nomination papers shall be delivered to the county elections official of the county in which the signer resides and is a voter. §§ 8061, 8106

NOTE: If the candidate has submitted sufficient valid signatures on in-lieu-filing-fee petitions to satisfy the nomination requirement, he or she must still file a Declaration of Candidacy during the nomination period. § 8020(a)(1)

Ballot Designations

Each candidate who submits a Declaration of Candidacy with a ballot designation shall file a completed ballot designation worksheet that supports the use of the ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files his or her Declaration of Candidacy. § 13107.3

The ballot designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request. The written request must be accompanied by a ballot designation worksheet. § 13107(e)

In General

All forms required for nomination and election to statewide, congressional, and legislative offices (declaration of candidacy, nomination papers, ballot designation worksheet) shall be furnished by the county elections official of the candidate's county of residence.

At the time of issuing any candidate forms, the officer providing the form shall:

- Type on the form the name of the candidate and the office for which he or she is a candidate,
- Imprint a stamp in the section of the form that reads “Official Filing Form,” and
- Affix his/her signature on the form. § 8101

The forms shall be distributed to all candidates applying for them upon the payment of the filing fee; however, in-lieu-filing-fee petitions are available without first paying the filing fee. All filing fees are nonrefundable. §§ 8105, 8106

Campaign Filings and Responsibilities

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

A. Candidate Intention Statement

File with the Secretary of State’s Political Reform Division a Candidate Intention Statement (Form 501) for the specific state office sought. A separate Form 501 must be filed for each election, including re-election to the same office. This statement shall be signed under penalty of perjury and filed prior to the solicitation or receipt of any contribution or loan, including expenditures made from personal funds used for campaign purposes.

Gov. Code § 85200

B. Campaign Contribution Account

1. File a Statement of Organization-Recipient Committee (Form 410) with the Secretary of State’s Political Reform Division within 10 days of qualifying as a committee by receiving contributions totaling \$2,000 or more in a calendar year.

Gov. Code §§ 82013(a), 84101

2. Establish one campaign contribution account at an office of a financial institution located in California after filing the Candidate Intention Statement. Gov. Code § 85201(a)

3. Deposit all contributions or loans made to the candidate, to a person on behalf of the candidate, or to the candidate’s controlled committee in the account.

Gov. Code § 85201(c)

4. Deposit any personal funds, which will be used to promote the election of the candidate, in the account prior to expenditure. Gov. Code § 85201(d)

5. Make all campaign expenditures from the account. Gov. Code § 85201(e)

C. Exceptions

1. Part A and Part B, numbers 4 and 5, 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 \$2,000 in a calendar year, excluding payment of the filing fee and statement of qualifications fee. Gov. Code § 85201(g)
3. An individual who raises contributions from others for his or her campaign, but who raises or spends less than \$2,000 in a calendar year, shall establish a campaign contribution account but is not required to file a Statement of Organization or other statement of bank account information. Gov. Code § 85201(h)

Additional Filing Information

Candidates for state legislative office may purchase space for a 250-word candidate statement in the sample ballot of each of the counties in the jurisdiction for a if they accept the voluntary expenditure limits by March 11, 2016 (E-88). Once the voluntary expenditure limits are accepted (or rejected), the spending-limits decision applies to both the primary and general elections. However, a candidate who has not exceeded the voluntary spending limits may revoke and change his or her acceptance or rejection of the voluntary spending limits no more than two times after the initial filing of the Candidate Intention Statement (Form 501), provided that the amendment to the filer's Form 501 is received by the Secretary of State before the deadline for filing the candidate's nomination papers.

Additionally, the law permits a state candidate to change his or her mind and accept the spending limits for the general election, if an amended Form 501 is filed within 14 days following the primary indicating the candidate's intention to accept the spending limits in the general election, provided that the filer has not exceeded the spending limits in the primary.

Gov. Code §§ 85200, 85400, 85401, 85600, 85601; § 13307.5

All candidates for state legislative offices who raise or spend \$25,000 or more must file their contribution and expenditure disclosure statements electronically and on paper. Information can be found on the Political Reform Division's page on the Secretary of State's website at www.sos.ca.gov/campaign-lobbying/.

State legislative candidates may download all the latest campaign forms from the Fair Political Practices Commission's website at www.fppc.ca.gov, or the Secretary of State's website at www.sos.ca.gov/campaign-lobbying/electronic-filing-information/. Candidates may also call the Secretary of State's Political Reform Division at (916) 653-6224 for additional information. Please contact the Fair Political Practices Commission at (916) 322-5660 or (866) 275-3772 for the most recent copy of the Information Manual on Campaign Disclosure Provisions of the Political Reform Act, which gives the filing requirements for reporting campaign contributions, etc.

A congressional candidate should contact the Federal Election Commission at 999 E Street, NW, Washington, D.C., 20463 or call toll-free (800) 424-9530 for a copy of the Federal Election Campaign Act, as amended, related regulations providing the filing requirements for reporting campaign contributions, and the forms on which to file.

Elections Code section 16 requires that the county elections official provide a copy of Government Code section 84305 to each candidate or his or her agent at the time of filing the

Declaration of Candidacy. Government Code section 84305 is reproduced here for your information:

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

¹ Assembly Bill (AB) 477 (Mullin), Chapter 726, Statutes of 2015, adds provisions to the Elections Code for Green Party presidential and county council elections. AB 477 will become effective January 1, 2016.

* Date falls on a weekend or state holiday; it does not move forward to the next business day.

** Date falls on a weekend or state holiday; it moves forward to the next business day.