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ELECTIONS DIVISION

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Summary of
Qualifications and Requirements for the Office of

GOVERNOR

September 14, 2021, California Gubernatorial Recall Election

I. QUALIFICATIONS

Every candidate shall:

- A. Be a U.S. citizen. Cal. Const., art. V, § 2¹
- B. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. § 201²
- ~~C. File with the Secretary of State two (2) copies of every income tax return the candidate filed with the Internal Revenue Service (IRS) in the five (5) most recent taxable years, one unredacted copy and another copy with required redactions. §§ 8902, 8903³~~
- D. Not have been convicted of a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes. § 20
- E. Not have served two terms in the office sought since November 6, 1990. Cal. Const., art. V, § 2

II. REQUIREMENTS

A. CAMPAIGN FILINGS AND RESPONSIBILITIES

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

1. 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

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

² All code section references are to the California Elections Code unless stated otherwise.

³ Updated as of July 23, 2021: Based on a recent court proceeding, Elections Code section 8902 was determined not to apply to recall elections.

2. Campaign Contribution Account

- a. A Statement of Organization—Recipient Committee (Form 410) shall be filed with the Secretary of State’s Political Reform Division within 10 days of receiving \$2,000 or more in a calendar year. Gov. Code §§ 82013(a), 84101
- b. 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)
- c. 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. Gov. Code § 85201(c)
- d. Any personal funds, which will be used to promote the election of the candidate, shall be deposited in the account prior to expenditure. Gov. Code § 85201(d)
- e. All campaign expenditures shall be made from the account. Gov. Code § 85201(e)

3. Exceptions

- a. Parts 1 and 2(d) and (e), above, do not apply to a candidate's payment of a filing fee and statement of qualifications fee from their personal funds. Gov. Code §§ 85200, 85201(f)
- b. Part 2, 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)
- c. An individual who raises contributions from others for their 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)

B. FILING FEES

1. Full Payment of Filing Fee

A candidate must pay a filing fee equal to 2% of the first year's salary as of the first day on which a candidate may circulate petitions in lieu of filing fees, made payable to the Secretary of State. Currently, the filing fee for Governor is \$4,194.94. The filing fee must be paid to the county elections official at the time the candidate obtains their Declaration of Candidacy and nomination papers from the county elections official of the candidate’s county of residence. §§ 8103(a)(1), 8105

2. Signatures In Lieu of Filing Fee

A candidate may choose to submit by July 6, 2021 (E-70), a minimum of 7,000 valid signatures on petitions in lieu of filing fees. § 8106(a)(3) & (b)(3)

- a. Petitions for in-lieu signatures may be obtained from the county elections official and circulated between July 1, 2021 (E-75), and July 6, 2021 (E-70). Sections of in-lieu-filing-fee petitions shall be filed with the county elections official of the county in which the signers reside. § 8106(b)
- b. The candidate may submit signatures to cover all or any prorated portion of the filing fee. § 8106(b)(3)
- c. Any registered voter may sign an in-lieu-filing-fee petition for any candidate for whom he or she is eligible to vote. § 8106(b)(1)
- d. Circulators of in-lieu-filing-fee petitions must be 18 years of age or older. § 102
- e. Within 2 days after receipt of the petition, the county elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination documents, pay a pro rata portion of the filing fee to cover the deficiency. § 8106(b)(3)
- f. Signatures in lieu of the filing fee may be counted toward the nomination sponsor signature requirements. §§ 8061, 8106(d)

Signature In Lieu of Filing Fee Requirements

§ 8106(a)(3)

<u>Candidates</u>	<u>Filing Fee</u>	<u>Signatures In Lieu of Filing Fee</u>	<u>Value of Each Signature</u>
All Gubernatorial Candidates (except write-in candidates)	\$4,194.94	7,000	\$0.59927714

C. BALLOT DESIGNATIONS

Each candidate who submits a ballot designation shall file a completed ballot designation worksheet that supports the use of that ballot designation by the candidate. The ballot designation worksheet shall be filed with the elections official at the same time that the candidate files their declaration of candidacy. § 13107.3

D. TAX RETURNS⁴

1. ~~By at least July 16, 2021 (E-60), a candidate shall:~~

- a. ~~File, by 5:00 p.m. on July 16, 2021, with the Secretary of State two (2) copies of every income tax return the candidate filed with the Internal Revenue Service (IRS) in the five (5) most recent taxable years, one unredacted copy and another copy with required redactions, as specified in Elections Code section 8903. §§8902, 8903~~
- b. ~~Submit the Income Tax Return Disclosure Consent and Acknowledgement Form signed by the candidate granting the Secretary of State permission to publicly release the redacted versions of the candidate's income tax returns. §§ 8902, 8903~~
- c. ~~If the candidate was not required to file an income tax return with the IRS for any of the last five (5) most recent taxable years the candidate must indicate that fact on the Income Tax Return Disclosure Consent and Acknowledgement Form.~~

_____ § 8902

- d. ~~If the candidate has not filed an income tax return with the IRS for 2020, the candidate shall submit a copy of the income tax return to the Secretary of State within five (5) days of filing the return with the IRS. _____ § 8902~~

2. ~~The candidate shall redact the income tax returns as follows:~~

Many pdf programs allow users to redact information from a pdf file. This includes Adobe Acrobat software and other third party software. Alternately, candidates may print out a copy of an unredacted income tax return, and manually (with a pen or marker) redact information pursuant to Elections Code section 8903.

It is the ~~candidate's~~ responsibility to only redact the information identified below. It is important to note that some of the information identified below may appear on every page of your submitted income tax returns, including on the header or footer portion of each page.

Information to Redact

The California Elections Code states that the following information **must be redacted** by the **candidate**:

- ~~Social security numbers~~
- ~~Home address~~
- ~~Telephone number~~
- ~~Email address~~
- ~~Medical information~~

California Elections Code states that the following information **may be redacted** by the **candidate**:

⁴ Updated as of July 23, 2021: Based on a recent court proceeding, Elections Code section 8902 was determined not to apply to recall elections.

- ~~• Names of dependent minors~~
 - ~~• Employer identification number~~
 - ~~• Business address~~
 - ~~• Preparer tax identification number, address, telephone number and email address of paid tax return preparers.~~
3. ~~The required tax returns and consent form shall be filed with the Secretary of State by July 16, 2021 by 5:00 p.m. PST as follows:~~

a. ~~In Person/Courier Service:~~

~~Secretary of State's Office
1500 11th Street
Sacramento, California 95814~~

~~Elections Division drop box located in 1st floor lobby~~

~~**Building hours:** Monday through Friday, 8:00 a.m. to 5:00 p.m.~~

~~**In-person filings will NOT be accepted in the Secretary of State's Los Angeles office.**~~

b. ~~Express Delivery/Mail:~~

~~Secretary of State's Office
Elections Division
1500 11th Street, 5th Floor
Sacramento, California 95814~~

~~**Note:** Income tax returns sent by express delivery or mail must be received by July 16, 2021 by 5:00 p.m. PST. Secretary of State will not consider shipping or postmark dates as timely filed. Income tax returns documents must be at the Secretary of State's Office by the deadline.~~

4. ~~The Secretary of State shall make the redacted versions of the candidate's income tax returns available to the public on the Secretary of State's internet website. These redacted versions of the candidate's income tax returns shall be continuously posted until the official canvass for the election is completed. § 8903~~

E. STATEMENT OF ECONOMIC INTERESTS

1. Each candidate must file a Statement of Economic Interests with the county elections official of the candidate's county of residence 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 §§ 87200, 87201, 87500(b)

2. This statement is to be filed by July 16, 2021 (E-60). It is not required if the candidate has filed such statements within the past 60 days for the same jurisdiction.

Gov. Code § 87201

F. FOR ALL CANDIDATES (EXCEPT WRITE-IN CANDIDATES)

1. Between July 9, 2021 (E-67) and July 16, 2021 (E-60), 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.

§§ 333, 8020, 8040, 8041

2. Nomination Papers

- a. Gather between 65 and 100 signatures for filing the nomination papers.
§ 8062(a)(1)
- b. Signatures on the in-lieu-filing-fee petitions may satisfy this signature requirement.
§§ 8061, 8106(d)
- c. Any candidate may obtain signatures to and sign their own nomination papers.
§ 106(a)
- d. All signers must be registered California voters.
§§ 100, 8068
- e. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older.
§§ 102, 8066
- f. Between July 9, 2021 (E-67) and July 16, 2021 (E-60), 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.
§§ 8020, 8063

3. Declaration of Candidacy

- a. The Declaration of Candidacy shall be obtained from, and delivered to, the county elections official of the county in which the candidate resides and is a voter.
§§ 8040, 8064
- b. Upon request of a candidate, the county elections official shall provide the candidate with a Declaration of Candidacy. The county elections official shall not require a candidate to sign, file, or sign and file a Declaration of Candidacy as a condition of receiving nomination papers.
§ 8020(d)
- c. The county elections official shall require all candidates filing a Declaration of Candidacy to execute the declaration in their 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 July 16, 2021 (E-60), to the office of the county elections official from whom it was received. Any person may return the completed Declaration of Candidacy.

§ 8028

G. FOR WRITE-IN CANDIDATES ONLY

1. Filing Fees

Write-in candidates are not required to pay filing fees. § 8604

2. Nomination Papers

a. Gather between 65 and 100 signatures for filing the nomination papers. §§ 8062(a)(1), 8600

b. The candidate may appoint persons to circulate the nomination papers. Circulators must be 18 years of age or older. §§ 102, 8066

c. All signers must be registered California voters. § 8603

d. Between July 19, 2021 (E-57), and August 31, 2021 (E-14), circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601

3. Statement of Write-In Candidacy

a. Between July 19, 2021 (E-57), and August 31, 2021 (E-14), file a Statement of Write-In Candidacy with the county elections official of the candidate's county of residence. § 8601

b. The Statement of Write-In Candidacy shall contain the following information:

- i. Candidate's name,
- ii. Candidate's complete residence address,
- iii. A declaration stating that the candidate is a write-in candidate,
- iv. The name of the office for which the candidate is running,
- v. The date of the election, and
- vi. Candidate's 10-year political party preference history. § 8600

III. GENERAL INFORMATION

A. Each of the forms mentioned above is available free of charge from the county elections official. § 8101

B. The term of office for Governor is four years; the current term began on January 7, 2019. A successor elected at the recall election would serve the remainder of this term.

Cal. Const., art V, § 2

- C. Because of the requirements of the Political Reform Act, As Amended, a candidate should visit the website of the Fair Political Practices Commission at www.fppc.ca.gov 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.

IMPORTANT NOTICE

This information sheet of candidate qualifications and procedures 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.