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Summary of
QUALIFICATIONS AND REQUIREMENTS
For

NON-PRESIDENTIAL WRITE-IN CANDIDATES

For the
MARCH 26, 1996, PRIMARY ELECTION
OR
NOVEMBER 5, 1996, GENERAL ELECTION

I. QUALIFICATIONS

A. A candidate for Member, House of Representatives, shall:

1. 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
2. Have a valid voter registration affidavit on file in the county of residence at the time nomination papers are obtained. §201¹

B. A candidate for state legislative office shall:

1. Be a U.S. citizen.²
Cal. Const. art. IV, §2, subd. (c)
2. Be a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person. §201
3. Not have served two terms or more in the State Senate since November 6,

¹All code section references are to the California Elections Code unless stated otherwise. All Elections Code sections are based on the January 1, 1995, recodification.

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

1990, if a candidate for State Senate; not have served three terms or more in the State Assembly since November 6, 1990, if a candidate for State Assembly. Cal. Const., art. IV, §2, subd. (c)

II. 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.

Any individual who intends to be a write-in candidate for public office shall:

A. FAIR POLITICAL PRACTICES COMMISSION REQUIREMENTS

For state legislative offices, comply with the following Fair Political Practices Commission (FPPC)³ requirements:

1. File with the FPPC 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. Gov. Code §85200
2. Establish one campaign contribution account at an office of a financial institution located in the state upon filing of the statement of intention.
 - a. The name of the financial institution, the location, and the account number shall be filed with the Fair Political Practices Commission within 10 days of establishing the account (Form 502).
 - b. 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.
 - c. Any personal funds which will be utilized to promote the election of the candidate shall be deposited in the account prior to expenditure.
 - d. All campaign expenditures shall be made from the account. Gov. Code §85201

³The write-in candidate is directed to the Political Reform Act of 1974, As amended, (Government Code sections 81000-91015) for additional Political Reform Act requirements.

Write-In Candidates - Non-Presidential Candidates
1996 Primary or General Election

3. Exceptions

- a. Parts 1 and 2, above, do not apply to a candidate's payment of a filing fee and statement of qualifications from his or her personal funds. Gov. Code §85201, subd. (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 \$1,000 in a calendar year, excluding payment of the filing fee and statement of qualifications. Gov. Code §85201, subd. (g)

If such candidate later spends \$1,000 or more in a calendar year, he or she must establish a campaign contribution account before the \$1,000 expenditure threshold is reached. The required account information shall be filed with the Fair Political Practices Commission within 5 days of establishing the account.

Gov. Code §85201, subd. (h)

B. FEDERAL OFFICES

For federal offices, the write-in candidate should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C., 20463 or call toll-free 1-800-424-9530 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.

C. STATEMENT OF WRITE-IN CANDIDACY AND NOMINATION PAPER

The write-in candidate must complete and file a statement of write-in candidacy and a nomination paper. For a write-in candidate seeking the nomination for an office on the March 26, 1996, Primary Election ballot, the statement and nomination paper shall be available on January 29, 1996, and must be delivered to the elections official no later than March 12, 1996. For the November 5, 1996, General Election, the statement and nomination paper shall be available on September 9, 1996, and must be delivered to the election official no later than October 22, 1996.

Write-In Candidates - Non-Presidential Candidates
1996 Primary or General Election

1. Statement of write-in candidacy

a. The statement of write-in candidacy shall contain the following information:

- (1) candidate's name,
- (2) residence address,
- (3) a declaration stating that the candidate is a write-in candidate,
- (4) the name of the office for which the candidate is running, and
- (5) the party nomination which the candidate seeks, if running in a primary election, and
- (6) the date of the election. §8600

b. 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

2. Nomination papers

a. The number of signers to a nomination paper required for the respective offices are as follows:

- (1) Member of House of Representatives and state legislative offices: Not less than 40 nor more than 60. §8062

b. All signers must be registered voters of the district. §8603

c. If the candidate appoints persons to circulate the nomination paper, such appointment must be in writing. The candidate shall file appointment of circulator documents with the county elections official on or before the date the nomination paper is left for filing. §§8042 and 8065

- (1) Circulators shall be voters in the district in which the candidate is seeking election. §8066

- (2) Circulators shall circulate the nomination papers only in the district in which the candidate is seeking election. §8066

- (3) If the district includes more than one county, the circulator

shall circulate the petition only in the county in which he or she resides.

- d. 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 March 12, 1996, for candidates for the March 26, 1996, Primary Election, or not later than October 22, 1996, for candidates for the November 5, 1996, General Election.
- e. The statement of write-in candidacy and nomination paper must be filed with the county elections official between January 29, 1996, and March 12, 1996, for the March 26, 1996, Primary Election, or between September 9, 1996, and October 22, 1996, for the November 5, 1996, General Election. §8601

D. STATEMENT OF ECONOMIC INTERESTS

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

- 1. This statement is to be filed between January 29 and March 12, 1996, for candidates for the March 26, 1996, Primary Election, or between September 9 and October 22, 1996, for candidates for the November 5, 1996, General Election.

E. FILING FEES

Write-in candidates need not pay filing fees. §8604

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 in on the ballot has been certified as a write-in candidate. §15351

- 1. See Title 2 California Code of Regulations §§ 20101-20105 (Attachment #1) 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 by handwriting) indicating the name of the write-in candidate are not valid, and a name indicated by any such

method shall not be counted.

§15353

IV. FREQUENTLY-ASKED QUESTIONS CONCERNING WRITE-IN CANDIDACIES

A. May anyone run as a write-in candidate?

Any person who meets the qualifications for the specific office may run as a write-in candidate. However, in order for the votes to be counted and certified, the candidate must comply with the specific legal requirements set forth above.

B. Where may persons obtain forms they must file to run as a write-in candidate?

There is no statutory provision requiring county elections officials to supply forms; however, the official may have the forms necessary to run as a write-in candidate. The candidate should check with his/her county elections official.

C. Must a write-in candidate running in the November general election meet the three-month party affiliation/twelve-month party disaffiliation requirement in order to run in the November general election?

No.

**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 Chapter 8 of Division 6 of the Elections Code (beginning at Section 7300).*

(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 §10331.*

Section 20102. Write-in vote; no office indicated.

The name of a qualified write-in candidate shall be counted when the name is written 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 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:

*The Elections Code was recodified effective January 1, 1995. Provisions relating to write-in candidates are now found in Part 3 of Division 8, beginning at Section 8600.

Write-In Candidates - Non-Presidential Candidates
1996 Primary or General Election

(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 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.

Write-in Candidates - 1996

Candidates may be nominated or elected to any office at the Primary Election by fulfilling the requirements of Chapter 1 of Division 8, Part 3, of the Elections Code, commencing at Section 8600.

In order to be nominated to any partisan office, the write-in candidate must receive more votes than any other candidate running for that party's nomination, and the minimum number of votes the candidate must receive is equal to 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 in the March 25, 1996 Primary, Election to place a candidate's name on the November 5, 1996, General Election ballot, as specified by Section 8605(a), is set forth below.

Congress

<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>	<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>
1	200,673	2,007	27	166,774	1,668
2	214,860	2,149	28	164,277	1,643
3	195,157	1,952	29	190,376	1,904
4	236,323	2,364	30	66,425	665
5	182,596	1,826	31	85,467	855
6	236,840	2,369	32	126,306	1,264
7	166,601	1,667	33	41,508	416
8	168,171	1,682	34	117,455	1,175
9	178,875	1,789	35	84,081	841
10	234,241	2,343	36	195,808	1,959
11	159,814	1,599	37	82,931	830
12	175,636	1,757	38	145,769	1,458
13	150,642	1,507	39	171,244	1,713
14	199,188	1,992	40	163,731	1,638
15	200,204	2,003	41	132,143	1,322
16	115,352	1,154	42	115,205	1,153
17	167,193	1,672	43	154,386	1,544
18	139,054	1,391	44	171,776	1,718
19	183,926	1,840	45	180,724	1,808
20	101,230	1,013	46	88,697	887
21	171,629	1,717	47	214,997	2,150
22	209,008	2,091	48	195,636	1,957
23	172,340	1,724	49	186,118	1,862
24	193,179	1,932	50	104,451	1,045
25	169,971	1,700	51	206,988	2,070
26	88,138	882	52	170,686	1,707

Write-In Candidates - Non-Presidential Candidates
 1996 Primary or General Election

State Senate

<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>	<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>
1	345,375	3,454	21	266,563	2,666
3	339,945	3,399	23	355,024	3,551
5	282,168	2,822	25	163,271	1,633
7	337,486	3,375	27	272,793	2,728
9	269,485	2,695	29	264,775	2,648
11	339,317	3,394	31	192,328	1,924
13	231,679	2,317	33	299,376	2,994
15	278,731	2,788	35	328,552	3,286
17	261,353	2,614	37	270,557	2,706
19	278,220	2,783	39	310,169	3,102

Write-In Candidates - Non-Presidential Candidates
 1996 Primary or General Election

Assembly

<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>	<i>District</i>	<i>Votes In Last Election</i>	<i>Write-In Votes Needed for Nomination</i>
1	143,207	1,433	41	138,463	1,385
2	128,270	1,283	42	116,676	1,167
3	133,139	1,332	43	89,149	892
4	155,494	1,555	44	120,626	1,207
5	130,750	1,308	45	45,430	455
6	151,353	1,514	46	22,404	225
7	125,495	1,255	47	93,139	932
8	112,417	1,125	48	35,150	352
9	98,199	982	49	60,497	605
10	134,351	1,344	50	31,940	320
11	104,524	1,046	51	66,188	662
12	100,844	1,009	52	50,364	504
13	109,879	1,099	53	129,203	1,293
14	124,841	1,249	54	118,185	1,182
15	152,961	1,530	55	55,941	560
16	84,163	842	56	100,021	1,001
17	90,026	901	57	55,555	556
18	100,173	1,002	58	76,019	761
19	108,061	1,081	59	113,660	1,137
20	94,921	950	60	93,801	939
21	126,408	1,265	61	65,862	659
22	99,950	1,000	62	60,613	607
23	56,852	569	63	108,425	1,085
24	123,384	1,234	64	89,391	894
25	123,228	1,233	65	101,841	1,019
26	79,221	793	66	118,497	1,185
27	135,139	1,352	67	128,026	1,281
28	87,003	871	68	82,161	822
29	119,889	1,199	69	41,821	419
30	68,841	689	70	124,848	1,249
31	63,390	634	71	129,366	1,294
32	111,363	1,114	72	110,596	1,106
33	126,400	1,265	73	113,051	1,131
34	101,875	1,019	74	117,992	1,180
35	134,344	1,344	75	130,119	1,302
36	108,578	1,086	76	109,347	1,094
37	102,433	1,025	77	95,831	959
38	110,829	1,109	78	120,974	1,210
39	49,559	496	79	50,517	506
40	79,297	793	80	95,465	955

Write-In Candidates - Non-Presidential Candidates
1996 Primary or General Election

Recodification Codes

<u>Old</u>	<u>New</u>
70	200
75	201
6495	8062
6497	8065
6498	8042
6499	8066
6661	8605
7300	8600
7301	8601
7303	8603
7304	8604
10331	302
17101	15351
17103	15353

writein.1