

Introduced by Senator HaynesJanuary 29, 2001

An act to amend Sections 6900, 6901, 6903, and 6909 of, and to repeal Sections 7100, 7300, 7578, and 7843 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 137, as introduced, Haynes. Presidential electors.

Existing law provides for statewide election of a slate of electors to vote in the electoral college for President and Vice President of the United States. Under existing law, the electors of the political party who receive the highest member of votes statewide are certified as the state's presidential electors. Under existing law, each political party selects its slate of presidential electors in accordance with statutory procedures that differ by party.

This bill would repeal existing procedures for selection of presidential electors, and instead require that political parties nominate an elector in each congressional district and 2 electors on a statewide basis, in accordance with the rules of the political party with which the elector is affiliated. Under the bill, an elector selected on the basis of a congressional district is required to be a resident of that district and an elector selected on a statewide basis is required to be a resident of the state. Under the bill, an elector would be required to be a member of the political party that nominates the elector at the time of the nomination and during the 4 years preceding the nomination, unless the political party was not registered as a party during that period. The bill would require each elector nominee to sign a pledge that he or she will cast his or her ballot for the candidates for President and Vice-President of the United States who receive the plurality of votes in the congressional



district in which the elector is nominated, or who receive the plurality of votes in the state in the case of the two electors selected on a statewide basis, unless those candidates are no longer alive at the time the elector's vote is cast. The bill would authorize a political party to replace an elector who becomes disqualified to serve as an elector, or who expresses an intent to violate his or her pledge to vote for specified Presidential and Vice Presidential candidates, with a person who meets these requirements.

The bill would further provide that if a political party does not have rules concerning the procedure for selecting electors by the time electors must be selected, the presidential candidate for the party shall select the electors.

Existing law requires the Governor to deliver a list of the names of electors to the electors on or before the day of the electors' meeting.

This bill would require the Secretary of State to deliver the list instead of the Governor.

Existing law provides that electors be compensated for their services and reimbursed for mileage to and from the State Capitol, as specified.

This bill would eliminate that authorization for compensation to electors or reimbursement of their expenses.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6900 of the Elections Code is amended
2 to read:

3 6900. (a) The term "elector" or "presidential elector" as
4 used in this chapter means an elector of President and Vice
5 President of the United States, and not an elector as defined in
6 Section 321.

7 (b) *An elector shall be nominated in each congressional district
8 and two electors on a statewide basis in accordance with the rules
9 of the political party with which the elector is affiliated, subject to
10 the following requirements:*

11 (1) *An elector selected on the basis of a congressional district
12 shall be a resident of that district.*

13 (2) *An elector selected on a statewide basis shall be a resident
14 of the state.*



1 (3) *An elector shall be a member of the political party that*
2 *nominated the elector at the time of nomination and shall have*
3 *been a member of that political party for the preceding four years,*
4 *unless the political party was not qualified under Division 5*
5 *(commencing with Section 5000) during that four-year period.*

6 (4) *An elector shall sign a pledge that he or she shall cast his*
7 *or her ballot for the candidates for President and Vice-President*
8 *of the United States who receive the plurality of votes in the*
9 *congressional district in which the elector is nominated, or who*
10 *receive the plurality of votes in the state in the case of an elector*
11 *selected on a statewide basis, provided that those candidates are*
12 *alive at the time the vote is cast.*

13 (5) *If an elector is disqualified to serve as an elector because*
14 *of his or her failure to meet the applicable requirements of*
15 *paragraphs (1) to (4), inclusive, or if the elector expresses an intent*
16 *to violate his or her pledge signed pursuant to paragraph (4), the*
17 *political party that nominated the elector may replace the elector*
18 *with a person who meets these requirements.*

19 (6) *If a political party does not have rules concerning the*
20 *procedure for selecting electors by the time that electors are*
21 *required to be selected, the presidential candidate for that political*
22 *party shall select the electors.*

23 SEC. 2. Section 6901 of the Elections Code is amended to
24 read:

25 6901. Whenever a political party; *selects nominees for*
26 *electors of President and Vice President of the United States in*
27 *accordance with Section ~~7100, 7300, 7578, or 7843,~~ submits*
28 *6900, the party shall submit to the Secretary of State its a certified*
29 *list of nominees for electors of President and Vice President of the*
30 *United States, the. The Secretary of State shall notify each*
31 *candidate for elector of his or her nomination by the party. The*
32 *Secretary of State shall also cause the names of the candidates for*
33 *President and Vice President of the several political parties to be*
34 *placed upon the ballot for the ensuing general election.*

35 SEC. 3. Section 6903 of the Elections Code is amended to
36 read:

37 6903. On or before the day of meeting of the electors, the
38 ~~Governor~~ *Secretary of State* shall deliver to the electors a list of the
39 names of electors, and he or she shall perform any other duties



1 relating to presidential electors which are required of him or her
2 by the laws of the United States.

3 SEC. 4. Section 6909 of the Elections Code is amended to
4 read:

5 6909. Each presidential elector shall receive ten dollars (\$10)
6 for his or her services, and mileage at the rate of five cents (\$0.05)
7 per mile for each mile of travel from his or her domicile to the State
8 Capitol and return.

9 Their accounts therefor shall be certified by the Secretary of
10 State, and audited by the Controller, who shall draw his or her
11 warrants for the same on the Treasurer, payable out of the General
12 Fund. *Presidential electors shall receive no compensation for their*
13 *services, nor shall electors be reimbursed for travel or other*
14 *expenses incurred in the performance of their duties as electors.*

15 SEC. 5. Section 7100 of the Elections Code is repealed.

16 7100.—In each year of the general election at which electors of
17 President and Vice President of the United States are to be chosen,
18 each congressional nominee shall designate one presidential
19 elector and shall file his or her name, residence and business
20 address with the Secretary of State by October 1 of the presidential
21 election year. Each United States senatorial nominee, determined
22 by the last two United States senatorial elections, shall designate
23 one presidential elector and shall file his or her name, residence
24 and business address with the Secretary of State by October 1 of
25 the presidential election year. In the event there is no United States
26 senatorial nominee or no congressional nominee in any particular
27 district, the state chairperson shall designate one presidential
28 elector for each vacancy and shall file his or her name, residence
29 and business address with the Secretary of State by October 1 of
30 the presidential election year.

31 SEC. 6. Section 7300 of the Elections Code is repealed.

32 7300.—In each year of the general election at which electors of
33 President and Vice President of the United States are to be chosen,
34 the Republican nominees for Governor, Lieutenant Governor,
35 Treasurer, Controller, Attorney General, and Secretary of State,
36 the Republican nominees for United States Senator at the last two
37 United States senatorial elections, the Assembly Republican
38 leader, the Senate Republican leader, all elected officers of the
39 Republican State Central Committee, the National Committeeman
40 and National Committeewoman, the President of the Republican



1 ~~County Central Committee Chairmen's Association, and the~~
2 ~~chairperson or president of each Republican volunteer~~
3 ~~organization officially recognized by the Republican State Central~~
4 ~~Committee shall act as presidential electors, except that Senators,~~
5 ~~Representatives, and persons holding an office of trust or profit of~~
6 ~~the United States shall not act as electors. The remaining~~
7 ~~presidential elector positions, and any vacant positions, shall be~~
8 ~~filled by appointment of the chairperson of the Republican State~~
9 ~~Central Committee in accordance with the bylaws of the~~
10 ~~committee. The name, residence address, and business address of~~
11 ~~each appointee shall be filed with the Secretary of State by October~~
12 ~~1 of the presidential election year. The Republican State Central~~
13 ~~Committee shall adopt bylaws implementing this section.~~

14 SEC. 7. Section 7578 of the Elections Code is repealed.

15 ~~7578. — In each year of the general election at which electors of~~
16 ~~President and Vice President of the United States are to be chosen,~~
17 ~~the convention shall also nominate as the candidates of its party as~~
18 ~~many electors of President and Vice President of the United States~~
19 ~~as the state is then entitled to, and shall certify the name of each~~
20 ~~elector nominated, and his or her residence address to the Secretary~~
21 ~~of State.~~

22 SEC. 8. Section 7843 of the Elections Code is repealed.

23 ~~7843. — In each year of the general election at which electors of~~
24 ~~President and Vice President of the United States are to be chosen,~~
25 ~~the convention meeting of the state central committee shall also~~
26 ~~nominate as the candidates of its party as many electors of~~
27 ~~President and Vice President of the United States as the state is then~~
28 ~~entitled to, 50 percent of whom shall be women and 50 percent~~
29 ~~men, unless an odd number of electors is to be chosen, in which~~
30 ~~case the difference between the number of women and men shall~~
31 ~~be not more than one. The chairperson of the state central~~
32 ~~committee shall certify the name of each elector nominated, and~~
33 ~~the elector's residence address to the Secretary of State.~~

