

ASSEMBLY BILL

No. 2

Introduced by Assembly Members Benoit and Harman

December 6, 2004

An act to amend Sections 6900, 6901, 6902, and 15505 of, and to repeal Sections 7100, 7300, 7578, and 7843 of, the Elections Code, relating to presidential electors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2, as introduced, Benoit. Presidential elections: 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, 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. It would require that an elector 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 Secretary of State to certify to the Governor, as presidential electors, the names of the proper number of persons having the highest number of votes based on the total number of votes cast on a statewide basis, and to transmit to each elector a certificate of election.

This bill would instead require the Secretary of State to certify to the Governor the name of the elector chosen in each congressional district whose presidential candidate has the highest number of votes in the congressional district and 2 presidential electors on the basis of the presidential candidate having the highest number of votes statewide.

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 used
4 in this chapter means an elector of President and Vice President
5 of the United States, and not an elector as defined in Section 321.
6 (b) *An elector shall be nominated in each congressional*
7 *district and two electors on a statewide basis in accordance with*
8 *the rules of the political party with which the elector is affiliated.*
9 (1) *An elector shall be a member of the political party that*
10 *nominated the elector at the time of nomination and shall have*
11 *been a member of that political party for the preceding four*
12 *years, unless the political party was not qualified under Division*
13 *5 (commencing with Section 5000) during that four-year period.*
14 (2) *An elector shall sign a pledge that he or she shall cast his*
15 *or her ballot for the candidates for President and*
16 *Vice e President of the United States who receive the plurality*

1 of votes in the congressional district in which the elector is
2 nominated, or who receive the plurality of votes in the state in the
3 case of an elector selected on a statewide basis, provided that
4 those candidates are alive at the time the vote is cast.

5 (3) If an elector is disqualified to serve as an elector because
6 of his or her failure to meet the requirements of paragraph (1),
7 or if the elector expresses an intent to violate his or her pledge
8 signed pursuant to paragraph (2), the political party that
9 nominated the elector may replace the elector with a person who
10 meets these requirements.

11 (4) If a political party does not have rules concerning the
12 procedure for selecting electors by the time that electors are
13 required to be selected, the presidential candidate for that
14 political party shall select the electors.

15 SEC. 2. Section 6901 of the Elections Code is amended to
16 read:

17 6901. Whenever a political party; *selects nominees for*
18 *electors of President and Vice President of the United States* in
19 accordance with Section ~~7100, 7300, 7578, or 7843~~, ~~submits~~
20 ~~6900~~, *the party shall submit* to the Secretary of State ~~its a~~
21 ~~certified list of nominees for electors of President and Vice~~
22 ~~President of the United States, the.~~ *The* Secretary of State shall
23 notify each candidate for elector of his or her nomination by the
24 party. The Secretary of State shall *also* cause the names of the
25 candidates for President and Vice President of the several
26 political parties to be placed upon the ballot for the ensuing
27 general election.

28 SEC. 3. Section 6902 of the Elections Code is amended to
29 read:

30 6902. At the general election in each leap year, or at any other
31 time as may be prescribed by the laws of the United States, there
32 shall be chosen by the voters of the state as many electors of
33 President and Vice President of the United States as the state is
34 then entitled to. *These electors shall be certified to the Governor*
35 *in the manner set forth in Section 15505.*

36 SEC. 4. Section 7100 of the Elections Code is repealed.

37 ~~7100. In each year of the general election at which electors of~~
38 ~~President and Vice President of the United States are to be~~
39 ~~chosen, each congressional nominee shall designate one~~
40 ~~presidential elector and shall file his or her name, residence and~~

1 business address with the Secretary of State by October 1 of the
2 presidential election year. Each United States senatorial nominee,
3 determined by the last two United States senatorial elections,
4 shall designate one presidential elector and shall file his or her
5 name, residence and business address with the Secretary of State
6 by October 1 of the presidential election year. In the event there
7 is no United States senatorial nominee or no congressional
8 nominee in any particular district, the state chairperson shall
9 designate one presidential elector for each vacancy and shall file
10 his or her name, residence and business address with the
11 Secretary of State by October 1 of the presidential election year.

12 SEC. 5. Section 7300 of the Elections Code is repealed.

13 7300. In each year of the general election at which electors of
14 President and Vice President of the United States are to be
15 chosen, the Republican nominees for Governor, Lieutenant
16 Governor, Treasurer, Controller, Attorney General, and Secretary
17 of State, the Republican nominees for United States Senator at
18 the last two United States senatorial elections, the Assembly
19 Republican leader, the Senate Republican leader, all elected
20 officers of the Republican State Central Committee, the National
21 Committeeman and National Committeewoman, the President of
22 the Republican County Central Committee Chairmen's
23 Association, and the chairperson or president of each Republican
24 volunteer organization officially recognized by the Republican
25 State Central Committee shall act as presidential electors, except
26 that Senators, Representatives, and persons holding an office of
27 trust or profit of the United States shall not act as electors. The
28 remaining presidential elector positions, and any vacant
29 positions, shall be filled by appointment of the chairperson of the
30 Republican State Central Committee in accordance with the
31 bylaws of the committee. The name, residence address, and
32 business address of each appointee shall be filed with the
33 Secretary of State by October 1 of the presidential election year.
34 The Republican State Central Committee shall adopt bylaws
35 implementing this section.

36 SEC. 6. Section 7578 of the Elections Code is repealed.

37 7578. In each year of the general election at which electors of
38 President and Vice President of the United States are to be
39 chosen, the convention shall also nominate as the candidates of
40 its party as many electors of President and Vice President of the

1 ~~United States as the state is then entitled to, and shall certify the~~
2 ~~name of each elector nominated, and his or her residence address~~
3 ~~to the Secretary of State.~~

4 SEC. 7. Section 7843 of the Elections Code is repealed.

5 ~~7843. In each year of the general election at which electors of~~
6 ~~President and Vice President of the United States are to be~~
7 ~~chosen, the convention meeting of the state central committee~~
8 ~~shall also nominate as the candidates of its party as many electors~~
9 ~~of President and Vice President of the United States as the state~~
10 ~~is then entitled to, 50 percent of whom shall be women and 50~~
11 ~~percent men, unless an odd number of electors is to be chosen, in~~
12 ~~which case the difference between the number of women and~~
13 ~~men shall be not more than one. The chairperson of the state~~
14 ~~central committee shall certify the name of each elector~~
15 ~~nominated, and the elector's residence address to the Secretary of~~
16 ~~State.~~

17 SEC. 8. Section 15505 of the Elections Code is amended to
18 read:

19 15505. On the first Monday in the month following the
20 election, or as soon as the results have been received from all the
21 counties in the state, if received before that time, the Secretary of
22 State shall analyze the votes given for presidential electors, ~~and~~
23 *The Secretary of State shall certify to the Governor the names*
24 *name of the proper number of persons* *elector chosen in each*
25 *congressional district on the basis of the presidential candidate*
26 *having the highest number of votes in the congressional district,*
27 *and shall certify two presidential electors on the basis of the*
28 *presidential candidate having the highest number of votes*
29 *statewide.* The Secretary of State shall thereupon issue and
30 transmit to each presidential elector a certificate of election. The
31 certificate shall be accompanied by a notice of the time and place
32 of the meeting of the presidential electors and a statement that
33 each presidential elector will be entitled to a per diem allowance
34 and mileage in the amounts specified.

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