

**Introduced by Senators Calderon, Battin, Migden, and Oropeza**

January 22, 2007

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An act to amend Sections 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as introduced, Calderon. Elections: presidential primary elections.

Existing law specifies that the presidential primary election be held on the first Tuesday after the first Monday in June in any year evenly divisible by the number 4. Existing law also specifies that the statewide direct primary election be held on the first Tuesday after the first Monday in June of each even-numbered year, and be consolidated with the presidential primary election in any year in which the statewide direct primary election is in a year evenly divisible by the number 4.

This bill would require that the presidential primary election be held on the first Tuesday in February in any year evenly divisible by the number 4. By increasing the duties on county elections officials due to the presidential primary election in February, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California has the largest population and largest  
4 congressional delegation of any state in the union yet California's  
5 current June presidential primary election date virtually ensures  
6 the presidential nominees for the major political parties will be  
7 determined before California voters have an opportunity to cast  
8 their ballots.

9 (b) It is vital to restore to California voters the opportunity to  
10 vote in a presidential primary election that is timely and meaningful  
11 in choosing presidential candidates.

12 (c) Conducting the California presidential primary election on  
13 the first Tuesday in February will encourage presidential candidates  
14 to campaign in California, and to debate and discuss issues and  
15 policies important to the people of California.

16 (d) Conducting the California presidential primary election on  
17 the first Tuesday in February will encourage voter registration,  
18 voter interest, and voter participation in the 2008 presidential  
19 primary election and subsequent presidential primary elections in  
20 California.

21 SEC. 2. Section 1000 of the Elections Code is amended to read:

22 1000. The established election dates in each year are as follows:

23 (a) The second Tuesday of April in each even-numbered year.

24 (b) The first Tuesday after the first Monday in March of each  
25 odd-numbered year.

26 (c) The first Tuesday after the first Monday in June in each year.

27 (d) The first Tuesday after the first Monday in November of  
28 each year.

29 (e) *The first Tuesday in February of each year evenly divisible*  
30 *by the number four.*

31 SEC. 3. Section 1001 of the Elections Code is amended to read:

32 1001. Elections held in June and November of each  
33 even-numbered year *and held the first Tuesday in February of*  
34 *each year evenly divisible by the number four* are statewide  
35 elections and these dates are statewide election dates.

36 SEC. 4. Section 1201 of the Elections Code is amended to read:

1 1201. ~~(a)~~—The statewide direct primary shall be held on the  
2 first Tuesday after the first Monday in June of each even-numbered  
3 year.

4 ~~(b)~~ Notwithstanding subdivision (a), in any year which is evenly  
5 divisible by the number four, the statewide direct primary shall be  
6 held on the first Tuesday after the first Monday in June and shall  
7 be consolidated with the presidential primary held in that year.

8 SEC. 5. Section 1202 of the Elections Code is amended to read:

9 1202. The presidential primary shall be held on the first  
10 Tuesday ~~after the first Monday in June~~ *in February* in any year  
11 evenly divisible by the number four, *and shall not be consolidated*  
12 *with the statewide direct primary held in that year.*

13 SEC. 6. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.