

ASSEMBLY BILL

No. 459

Introduced by Assembly Member Hill

February 15, 2011

An act to amend Section 5100 of the Elections Code, relating to primary elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 459, as introduced, Hill. Primary elections: party eligibility. Existing law specifies conditions under which a party is qualified to participate in a primary election.

This bill would make nonsubstantive changes to that provision.

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

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

1 SECTION 1. Section 5100 of the Elections Code is amended
2 to read:
3 5100. A party is qualified to participate in ~~any~~ a primary
4 election under any of the following conditions:
5 (a) If at the last preceding gubernatorial election there was polled
6 for any one of its candidates for any office voted on throughout
7 the state, at least 2 percent of the entire vote of the state.
8 (b) If on or before the 135th day before any primary election,
9 it appears to the Secretary of State, as a result of examining and
10 totaling the statement of voters and their political affiliations
11 transmitted to him or her by the county elections officials, that
12 voters equal in number to at least 1 percent of the entire vote of

1 the state at the last preceding gubernatorial election have declared
2 their intention to affiliate with that party.

3 (c) If on or before the 135th day before any primary election,
4 there is filed with the Secretary of State a petition signed by voters,
5 equal in number to at least 10 percent of the entire vote of the state
6 at the last preceding gubernatorial election, declaring that they
7 represent a proposed party, the name of which shall be stated in
8 the petition, which proposed party those voters desire to have
9 participate in that primary election. This petition shall be circulated,
10 signed, *and* verified, and the signatures of the voters on it shall be
11 certified to and transmitted to the Secretary of State by the county
12 elections officials substantially as provided for initiative petitions.
13 Each page of the petition shall bear a caption in 18-point boldface
14 type, which caption shall be the name of the proposed party
15 followed by the words “Petition to participate in the primary
16 election.”