

Introduced by Senator Kehoe

February 23, 2012

An act to amend Sections 7206, 7225, 7226, 7228, 7242, 7404, 7420, 7421, 7423, 7443, 7643, 7652, 7670, 7671, 7673, 7680, 7692, 7750, 7751, ~~7755~~, 7770, 7771, 7772, 7772.1, 7780, 7800, 7840, 7850, 7857, ~~and 7882, 8001, and 8020~~ of, and to add Sections 7230, 7425, 7675, and 7784 to, the Elections Code, relating to political party organization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as amended, Kehoe. Political party organization: county central committees.

Existing law establishes the political party ~~organization~~ *organizations* of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California. Existing law requires the members of a county central committee of each of those parties be elected in each county at every statewide direct primary election.

This bill would delete the requirement that those members be elected at every statewide direct primary election and instead would permit those members to be elected at every presidential primary election. ~~This~~

~~This~~ bill would ~~also~~ specify that a county central committee of any of those parties, in accordance with ~~the~~ *specified* rules and regulations ~~adopted by the committee~~, may select its members at any time by holding a caucus or convention, or by using any other *approved* method of selection ~~approved by the committee~~.

Existing law requires that a candidate for membership on a county central committee must be affiliated with the political party of that

committee for not less than 3 months immediately prior to presenting his or her declaration of candidacy, and requires that the candidate must not have been affiliated with any other political party within 12 months prior to filing a declaration of candidacy.

This bill would permit a county central committee to establish the length of time that a candidate for membership on the committee must be affiliated with the party of that committee, or must not have been affiliated with any other political party.

Existing law requires a candidate for membership on a county central committee to file nomination forms, as specified. Existing law requires that the nomination forms be made available on the 113th day prior to a direct primary election and be delivered no later than 5:00 p.m. on the 88th day prior to the direct primary election.

This bill would instead require that the nomination forms for candidates for county central committees be available 158 days prior to the primary election.

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 7206 of the Elections Code is amended
2 to read:
3 7206. In each county the nominee of this party for Senator or
4 the incumbent Senator, the nominees of this party for the Assembly,
5 and any person elected to either the Senate or Assembly at a special
6 election to fill a vacancy in that house, and the nominee of this
7 party for Representative in Congress, and any person elected at a
8 special election to fill a vacancy in the House of Representatives,
9 shall be ex officio members of this committee. If the person elected
10 from one party at the special election for an Assembly or Senate
11 seat, or for the House of Representatives, shall be other than the
12 nominee of that party for the same office at the prior election, the
13 ex officio membership of the nominee shall expire immediately
14 upon certification by the Secretary of State of the election. Ex
15 officio members shall be entitled to all the rights and privileges,
16 including the right to vote, and shall have the same standing in
17 every way as other members of this committee, except they shall
18 not be entitled to a ballot designation of incumbent upon seeking
19 election to this committee in the next presidential primary.

1 SEC. 2. Section 7225 of the Elections Code is amended to read:
2 7225. At every presidential primary election, a county central
3 committee may be elected in each county.

4 SEC. 3. Section 7226 of the Elections Code is amended to read:
5 7226. The elections official, no later than January 31 preceding
6 the presidential primary, shall compute the number of members
7 of the committee allotted to each Assembly district or supervisor
8 district, as the case may be, pursuant to this article.

9 SEC. 4. Section 7228 of the Elections Code is amended to read:
10 7228. If the elections official, on the 73rd day prior to the
11 presidential primary election, finds that the number of candidates
12 nominated for election to a committee from an Assembly or
13 supervisorial district does not exceed the number of candidates to
14 be elected from that Assembly or supervisorial district, the
15 designation of the office and the names of the candidates shall not
16 be printed on this party's ballot in the Assembly or supervisorial
17 district, unless there is filed with the elections official, not later
18 than 20 days after the final date for filing nomination papers for
19 the positions, a petition indicating that a write-in campaign will
20 be conducted for the office and signed by 25 registered voters
21 affiliated with the political party involved. In lieu thereof, the board
22 of supervisors shall declare elected the candidates who have been
23 nominated, and those candidates shall be entitled to receive
24 certificates of election in the same manner as other candidates
25 elected to a committee.

26 SEC. 5. Section 7230 is added to the Elections Code, to read:
27 7230. Notwithstanding any other provision of law, a county
28 central committee, in accordance with the rules and regulations
29 adopted by the committee, may select its members at any time by
30 holding a caucus or convention, or by using any other method of
31 selection approved by the committee.

32 SEC. 6. Section 7242 of the Elections Code is amended to read:
33 7242. The committees shall perform any other duties and
34 services for this political party as seem to be for the benefit of the
35 party. They shall continue to function and exist until the election
36 at the succeeding presidential primary, or the selection pursuant
37 to Section 7230, and qualification of the members of the new
38 committees.

39 SEC. 7. Section 7404 of the Elections Code is amended to read:

1 7404. (a) In each county, the nominee of the party for State
2 Senator, the nominees of the party for the Assembly, and any
3 person nominated to either the Senate or Assembly at a special
4 election to fill a vacancy in the house, and the nominee of the party
5 for Representative in Congress shall be ex officio members of this
6 committee. If the person most recently nominated or elected from
7 one party at the special election for an Assembly or Senate seat,
8 or for the House of Representatives shall be other than the nominee
9 of that party for the same office at the earlier election, the ex officio
10 membership of the latter nominee shall expire immediately upon
11 certification by the Secretary of State of the nomination or, if there
12 is no runoff, the election of the person most recently nominated
13 or elected. Ex officio members shall be entitled to all the rights
14 and privileges, including the right to vote, and shall have the same
15 standing in every way as other members of this committee, except
16 they shall not be entitled to a ballot designation of incumbent upon
17 seeking election to this committee in the next presidential primary.
18 A person shall be entitled to ex officio membership upon receiving
19 a certificate of nomination from the Secretary of State pursuant to
20 Section 8147, at which time the term of the former nominee shall
21 expire.

22 (b) If the person most recently nominated to the Senate,
23 Assembly, or House of Representatives received fewer votes for
24 the particular office at the ensuing general election than a write-in
25 candidate for the same office, and the write-in candidate is elected
26 to that office, the write-in candidate shall, for purposes of this part,
27 be considered the ex officio member of each affected county,
28 provided that the write-in candidate's affidavit of registration
29 reflects that that candidate has been affiliated with the party for at
30 least six months prior to the general election.

31 (c) If a write-in candidate is entitled to ex officio membership
32 on each affected county central committee pursuant to subdivision
33 (b), each affected county central committee shall designate the
34 party nominee described in subdivision (b) as an additional ex
35 officio member to its committee. Any person designated as an ex
36 officio member under this subdivision shall be entitled to all the
37 rights and privileges as other ex officio members of the committee.

38 SEC. 8. Section 7420 of the Elections Code is amended to read:

1 7420. (a) At every presidential primary election, a member
2 may be elected to a county central committee to replace a member
3 whose term is expiring.

4 (b) When district boundaries are redrawn and districts are
5 renumbered in accordance with the decennial census, a member
6 of a county central committee may run for election in a newly
7 numbered district at the next election even though his or her current
8 term of office has not expired. If a person is elected in the newly
9 numbered district and takes the oath of office, the person is deemed
10 to have resigned from his or her previous district office at that
11 time.

12 SEC. 9. Section 7421 of the Elections Code is amended to read:

13 7421. The elections official, no later than January 31 preceding
14 the presidential primary, shall compute the number of members
15 of the committee allotted to each Assembly district or supervisor
16 district, as the case may be, pursuant to this article.

17 SEC. 10. Section 7423 of the Elections Code is amended to
18 read:

19 7423. If the elections official, on the 73rd day prior to the
20 presidential primary election, finds that the number of candidates
21 nominated for election to a committee from an Assembly or
22 supervisorial district does not exceed the number of candidates to
23 be elected from that Assembly or supervisorial district, the
24 designation of the office and the names of the candidates shall not
25 be printed on this party's ballot in the Assembly or supervisorial
26 district, unless there is filed with the elections official, not later
27 than 20 days after the final date for filing nomination papers for
28 the positions, a petition indicating that a write-in campaign will
29 be conducted for the office, and signed by 25 registered voters
30 affiliated with the political party involved. In lieu thereof, the board
31 of supervisors shall declare elected the candidates who have been
32 nominated, and those candidates shall be entitled to receive
33 certificates of election in the same manner as other candidates
34 elected to a committee.

35 SEC. 11. Section 7425 is added to the Elections Code, to read:

36 7425. (a) Notwithstanding any other provision of law, a
37 county central committee, in accordance with the rules and
38 regulations adopted by the committee, may ~~select~~ *determine the*
39 *number, the district allocation, and the manner of election of its*

1 members at any time by holding a caucus or convention, or by
2 using any other method of selection approved by the committee.

3 *(b) Nothing in this section shall be construed to permit a county*
4 *central committee to remove an ex officio member of the committee.*

5 SEC. 12. Section 7443 of the Elections Code is amended to
6 read:

7 7443. The committees shall perform any other duties and
8 services for this political party as seem to be for the benefit of the
9 party. Members of a county central committee may serve after the
10 expiration date of their terms until the election, or the selection
11 pursuant to Section 7425, and qualification of the new members
12 replacing them on the county central committees.

13 SEC. 13. Section 7643 of the Elections Code is amended to
14 read:

15 7643. This committee shall conduct party campaigns for this
16 party and in behalf of the candidates of this party. It shall appoint
17 committees and appoint and employ campaign directors and perfect
18 whatever campaign organizations it deems suitable or desirable
19 and for the best interest of the party.

20 This committee shall have power to appoint interim county
21 central committees in all counties in which the voters have not
22 elected one or more county central committee members in the
23 presidential primary preceding the organization of this committee.
24 Persons appointed to interim county central committees pursuant
25 to this section shall meet the qualifications otherwise required by
26 Chapter 4 (commencing with Section 7650) for appointees to fill
27 vacancies on county central committees. Notice of all appointments
28 pursuant to this section shall be filed by the state central committee
29 with the elections official of the county for which that interim
30 county central committee is appointed. Interim county central
31 committees appointed pursuant to this section shall have all of the
32 powers and privileges afforded county central committees by the
33 provisions of Chapter 4 (commencing with Section 7650), but
34 members of interim county central committees shall not be
35 designated as incumbents on the ballot in the succeeding primary
36 election.

37 SEC. 14. Section 7652 of the Elections Code is amended to
38 read:

1 7652. The incumbent or nominee of each of the following
2 offices shall be an ex officio member of the committee in the
3 county in which he or she resides:

- 4 (a) Governor.
- 5 (b) Lieutenant Governor.
- 6 (c) Secretary of State.
- 7 (d) Controller.
- 8 (e) Treasurer.
- 9 (f) Attorney General.
- 10 (g) Member of the State Board of Equalization.
- 11 (h) United States Senator from California.
- 12 (i) Representative in Congress from California.
- 13 (j) All Members of the Legislature.
- 14 (k) Any person nominated to a partisan office at a special
15 election to fill a vacancy in that office.

16 Ex officio members shall be entitled to all the rights and
17 privileges, including the right to vote, and shall have the same
18 standing in every way as other members of this committee, except
19 they shall not be entitled to a ballot designation of incumbent upon
20 seeking election to this committee in the next presidential primary.

21 SEC. 15. Section 7670 of the Elections Code is amended to
22 read:

23 7670. At every presidential primary election, a county central
24 committee may be elected in each county.

25 SEC. 16. Section 7671 of the Elections Code is amended to
26 read:

27 7671. The Secretary of State, no later than 125 days before the
28 presidential primary, shall compute the number of members of
29 central committees to be elected in each county, and shall mail a
30 certificate reporting that information to the elections official of
31 each county and to the Chairperson of the American Independent
32 Party State Central Committee.

33 SEC. 17. Section 7673 of the Elections Code is amended to
34 read:

35 7673. If the elections official, on the 73rd day prior to the
36 presidential primary election, finds that the number of candidates
37 nominated for election to a committee from an Assembly or
38 supervisor district does not exceed the number of candidates to be
39 elected from that Assembly or supervisor district, the designation
40 of the office and the names of the candidates shall not be printed

1 on this party's ballot in the Assembly or supervisor district, unless
2 there is filed with the elections official, not later than 20 days after
3 the final date for filing nomination papers for the positions, a
4 petition indicating that a write-in campaign will be conducted for
5 the office and signed by 25 registered voters affiliated with the
6 political party involved. In lieu thereof, the board of supervisors
7 shall declare elected the candidates who have been nominated, and
8 those candidates shall be entitled to receive certificates of election
9 in the same manner as other candidates elected to a committee.

10 SEC. 18. Section 7675 is added to the Elections Code, to read:

11 7675. Notwithstanding any other provision of law, a county
12 central committee, ~~in accordance with the rules and regulations~~
13 ~~adopted by the committee~~, may select its members at any time by
14 holding a caucus or convention *in accordance with the rules and*
15 *regulations adopted by the county central committee and the state*
16 *central committee*, or by using any other method of selection
17 approved by the *state central committee*.

18 ~~SEC. 19. Section 7680 of the Elections Code is amended to~~
19 ~~read:~~

20 ~~7680. Each committee shall meet in the courthouse at its county~~
21 ~~seat, upon call, which shall be given by the elections official of~~
22 ~~the county and in quarters to be arranged or provided for by the~~
23 ~~elections official of the county, on the second Tuesday in July~~
24 ~~following the presidential primary election, except that in any year~~
25 ~~in which a national convention of the party includes that date, the~~
26 ~~existing executive committee of a committee shall set the date of~~
27 ~~the meeting, not to exceed 30 days after the date herein specified.~~

28 ~~SEC. 19. Section 7680 of the Elections Code is amended to~~
29 ~~read:~~

30 7680. Each committee shall meet at its county seat, upon call,
31 which shall be given by the chairperson of the county central
32 committee or the immediate predecessor of the current chairperson
33 of the county committee on the second Tuesday in July following
34 the ~~direct~~ *presidential* primary election, except that in any year in
35 which a national convention of the party includes that date, the
36 existing executive committee of a committee shall set the date of
37 the meeting, not to exceed 30 days after the date herein specified.

38 SEC. 20. Section 7692 of the Elections Code is amended to
39 read:

1 7692. The committee shall perform other duties and services
2 for this political party as seem to be for the benefit of the party.
3 They shall continue to function and exist until the election at the
4 succeeding presidential primary, or the selection pursuant to
5 Section 7675, and qualification of the members of the new
6 committees.

7 SEC. 21. Section 7750 of the Elections Code is amended to
8 read:

9 7750. At each presidential primary election, members of central
10 committees may be elected in each county.

11 SEC. 22. Section 7751 of the Elections Code is amended to
12 read:

13 7751. For the purposes of this chapter, the registration figures
14 used shall be those taken from the statement of voters and their
15 political affiliations transmitted by the elections officials to the
16 Secretary of State on the 135th day prior to the next presidential
17 primary election.

18 ~~SEC. 23. Section 7755 of the Elections Code is amended to~~
19 ~~read:~~

20 ~~7755. Each person receiving a Peace and Freedom Party~~
21 ~~nomination for any partisan public office at the preceding~~
22 ~~presidential primary election or at any special election subsequent~~
23 ~~thereto shall be declared elected as a member of central committees.~~
24 ~~Any members elected pursuant to this section shall be in addition~~
25 ~~to the number a county is entitled to elect pursuant to Section 7752.~~

26 ~~SEC. 24.~~

27 ~~SEC. 23.~~ Section 7770 of the Elections Code is amended to
28 read:

29 7770. The state party chairperson, no later than the 135th day
30 before the presidential primary election, shall notify the Secretary
31 of State whether or not a county central committee election will
32 be held. In the event that a county central committee election is
33 not held, a county central committee will be convened pursuant
34 to rules adopted by the party.

35 ~~SEC. 25.~~

36 ~~SEC. 24.~~ Section 7771 of the Elections Code is amended to
37 read:

38 7771. The elections official, no later than the 115th day before
39 the presidential primary election, shall compute the number of
40 members of central committees to be elected in each supervisorial

1 or Assembly district if the election of the members is to be by
2 supervisorial or Assembly district pursuant to this chapter.

3 ~~SEC. 26.~~

4 *SEC. 25.* Section 7772 of the Elections Code is amended to
5 read:

6 7772. In each county, the name of each candidate for member
7 of central committees shall appear on the ballot only if she or he
8 has done either of the following:

9 (a) Filed a nomination paper pursuant to Article 2 (commencing
10 with Section 8020) to Article 6 (commencing with Section 8100),
11 inclusive, of Chapter 1 of Part 1 of Division 8, signed in the
12 candidate's behalf by the voters of the central committee election
13 district in which she or he is a candidate.

14 (b) Qualified to have her or his name printed on the presidential
15 primary ballot as a candidate for the Peace and Freedom Party
16 nomination to a partisan public office.

17 ~~SEC. 27.~~

18 *SEC. 26.* Section 7772.1 of the Elections Code is amended to
19 read:

20 7772.1. Notwithstanding any other provision of law, if the
21 elections official, on the 73rd day prior to the presidential primary
22 election, finds that the number of candidates nominated for election
23 to a central committee from any election jurisdiction does not
24 exceed the number to be elected from that jurisdiction, the
25 designation of the office and the names of the candidates shall not
26 be printed on this party's ballot in that jurisdiction, unless there is
27 filed with the elections official, not later than 20 days after the
28 final date for filing nomination papers for the positions, a petition
29 signed by 25 registered voters affiliated with the Peace and
30 Freedom Party indicating that a write-in campaign will be
31 conducted for the office. In lieu thereof, the board of supervisors
32 shall declare elected the candidates who have been nominated, and
33 those candidates shall be entitled to receive certificates of election
34 in the same manner as other candidates elected to a central
35 committee.

36 ~~SEC. 28.~~

37 *SEC. 27.* Section 7780 of the Elections Code is amended to
38 read:

39 7780. The office of member of central committees may be
40 placed on the presidential primary ballot under the heading "Party

1 Central Committees” in the place and manner designated for the
2 office of county central committee pursuant to Chapter 2
3 (commencing with Section 13100) of Division 13. The subheading
4 printed under party central committees on the presidential primary
5 ballot shall be in substantially the following form:

6 Member of Peace and Freedom Party
7 Central Committees, 55th Assembly District
8 or
9 Member of Peace and Freedom Party
10 Central Committees, Alpine County

11 ~~SEC. 29.~~

12 *SEC. 28.* Section 7784 is added to the Elections Code, to read:

13 7784. Notwithstanding any other provision of law, a county
14 central committee, in accordance with the rules and regulations
15 adopted by the committee *and subject to the bylaws of the state*
16 *central committee*, may select its members at any time by holding
17 a caucus or convention, or by using any other method of selection
18 approved by the committee.

19 ~~SEC. 30.~~

20 *SEC. 29.* Section 7800 of the Elections Code is amended to
21 read:

22 7800. At the convention meeting of the state central committee,
23 the state central committee shall consist initially of only those
24 members of central committees elected at the most recent
25 presidential primary election or selected pursuant to Section 7784.

26 ~~SEC. 31.~~

27 *SEC. 30.* Section 7840 of the Elections Code is amended to
28 read:

29 7840. The state central committee shall have power to appoint
30 interim county central committees in the following counties:

31 (a) Counties in which the voters have not elected one or more
32 members of central committees in the presidential primary election
33 preceding the organization of this committee.

34 (b) Counties in which all members of a county central committee
35 are removed from office or cease to be registered as affiliated with
36 the Peace and Freedom Party.

37 Persons appointed to interim county central committees pursuant
38 to this section shall meet the qualifications otherwise required of
39 appointees to membership on the county central committees. Notice
40 of any appointments pursuant to this section shall be filed by the

1 state central committee with the elections official of the county
2 for which that interim county central committee is appointed.
3 Interim county central committees appointed pursuant to this
4 section shall have all the powers and privileges afforded county
5 central committees by this part.

6 ~~SEC. 32.~~

7 *SEC. 31.* Section 7850 of the Elections Code is amended to
8 read:

9 7850. At its first meeting on the second Tuesday in July
10 following the presidential primary election and at subsequent
11 meetings, a county central committee, in its sole discretion, may
12 appoint any additional members to the county central committee
13 as it may desire.

14 ~~SEC. 33.~~

15 *SEC. 32.* Section 7857 of the Elections Code is amended to
16 read:

17 7857. If no members of central committees have been elected
18 in a county at the preceding presidential primary election or
19 selected in a county pursuant to Section 7784, or, if for any reason
20 all the members of a county central committee are removed from
21 office or cease to be registered as affiliated as members of the
22 Peace and Freedom Party, then an interim county central committee
23 with full powers may be appointed by the state central committee
24 under the procedures specified in Section 7840.

25 ~~SEC. 34.~~

26 *SEC. 33.* Section 7882 of the Elections Code is amended to
27 read:

28 7882. The committees shall perform other duties and services
29 for this political party as seem to be for the benefit of the party.
30 They shall continue to function and exist until the members of the
31 new committees take office after the succeeding presidential
32 primary election or pursuant to Section 7784.

33 *SEC. 34.* *Section 8001 of the Elections Code is amended to*
34 *read:*

35 8001. (a) No declaration of candidacy for a partisan office or
36 for membership on a county central committee shall be filed, by
37 a candidate unless (1) at the time of presentation of the declaration
38 and continuously for not less than three months immediately prior
39 to that time, or for as long as he *or she* has been eligible to register
40 to vote in the state, the candidate is shown by his *or her* affidavit

1 of registration to be affiliated with the political party the
2 nomination of which he *or she* seeks, and (2) the candidate has
3 not been registered as affiliated with a qualified political party
4 other than that political party the nomination of which he *or she*
5 seeks within 12 months, or, in the case of an election governed by
6 Chapter 1 (commencing with Section 10700) of Part 6 of Division
7 10, within three months immediately prior to the filing of the
8 declaration.

9 (b) The elections official shall attach a certificate to the
10 declaration of candidacy showing the date on which the candidate
11 registered as intending to affiliate with the political party the
12 nomination of which he *or she* seeks, and indicating that the
13 candidate has not been affiliated with any other qualified political
14 party for the period specified in subdivision (a) immediately
15 preceding the filing of the declaration. This section shall not apply
16 to declarations of candidacy filed by a candidate of a political party
17 participating in its first direct primary election subsequent to its
18 qualification as a political party pursuant to Section 5100.

19 (c) *Notwithstanding subdivision (a), a county central committee*
20 *may establish the length of time that a candidate for membership*
21 *on that committee must be shown by his or her affidavit of*
22 *registration to be affiliated with the political party of that*
23 *committee, and may establish the length of time that a candidate*
24 *for membership on that committee must not have been registered*
25 *as affiliated with a qualified political party other than the political*
26 *party of that committee.*

27 *SEC. 35. Section 8020 of the Elections Code is amended to*
28 *read:*

29 8020. (a) No candidate's name shall be printed on the ballot
30 to be used at the direct primary unless the following nomination
31 documents are delivered for filing to the county elections official:

32 (1) Declaration of candidacy pursuant to Section 8040.

33 (2) Nomination papers signed by signers pursuant to Section
34 8041.

35 (b) The forms shall first be available on the 113th day prior to
36 the direct primary election, *or on the 158th day prior to the primary*
37 *election for a candidate for membership on a county central*
38 *committee, and shall be delivered not later than 5 p.m. on the 88th*
39 *day prior to the ~~direct~~ primary election.* The forms may be delivered
40 to the county elections official by a person other than the candidate.

1 (c) Upon the receipt of an executed nomination document, the
2 county elections official shall give the person delivering the
3 document a receipt, properly dated, indicating that the document
4 was delivered to the county elections official.

5 (d) Notwithstanding Section 8028, upon request of a candidate,
6 the county elections official shall provide the candidate with a
7 declaration of candidacy. The county elections official shall not
8 require a candidate to sign, file, or sign and file, a declaration of
9 candidacy as a condition of receiving nomination papers.