

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2233**

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**Introduced by Assembly Member Donnelly**

February 21, 2014

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An act to ~~amend~~ *add* Section ~~5100~~ *of 8106.5* to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2233, as amended, Donnelly. Primary elections: ~~party eligibility.~~  
*petitions: signatures.*

*Existing law requires a person who seeks to have his or her name printed on the ballot used at the direct primary to file with the county elections official a declaration of candidacy and nomination papers. Existing law requires a person to pay a fee to file his or her declaration of candidacy. Existing law permits a candidate to submit a petition containing a specified number of signatures of registered voters in lieu of the filing fee required for the declaration of candidacy.*

*This bill would require the elections official to reduce the number of signatures required on a petition in lieu of a filing fee for a special election that is held to fill a vacancy by the same proportion as the reduction in time for the candidate to collect signatures if the number of days for a candidate to collect the signatures is less than the number of days that a candidate would have to collect signatures on a petition at a regular election for the same office.*

~~Existing law specifies conditions under which a party is qualified to participate in a primary election.~~

~~This bill would make technical, 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 8106.5 is added to the Elections Code,  
2     to read:  
3     8106.5. If the number of days for a candidate to collect  
4     signatures on a petition in lieu of a filing fee for a special election  
5     that is held to fill a vacancy is less than the number of days that  
6     a candidate would have to collect signatures on a petition at a  
7     regular election for the same office, the elections official shall  
8     reduce the required number of signatures for the petition, as  
9     specified in subdivision (a) of Section 8106, by the same proportion  
10    as the reduction in time for the candidate to collect signatures.

11    ~~SECTION 1. Section 5100 of the Elections Code is amended~~  
12    ~~to read:~~  
13    ~~5100. A party is qualified to participate in a primary election~~  
14    ~~under any of the following conditions:~~

15    ~~(a) At the last preceding gubernatorial election there was polled~~  
16    ~~for any one of its candidates for any office voted on throughout~~  
17    ~~the state, at least 2 percent of the entire vote of the state.~~

18    ~~(b) On or before the 135th day before the primary election, it~~  
19    ~~appears to the Secretary of State, as a result of examining and~~  
20    ~~totaling the statement of voters and their political affiliations~~  
21    ~~transmitted to him or her by the county elections officials, that~~  
22    ~~voters equal in number to at least 1 percent of the entire vote of~~  
23    ~~the state at the last preceding gubernatorial election have declared~~  
24    ~~their intention to affiliate with that party.~~

25    ~~(c) On or before the 135th day before the primary election, there~~  
26    ~~is filed with the Secretary of State a petition signed by voters, equal~~  
27    ~~in number to at least 10 percent of the entire vote of the state at~~  
28    ~~the last preceding gubernatorial election, declaring that they~~  
29    ~~represent a proposed party, the name of which shall be stated in~~  
30    ~~the petition, which proposed party those voters desire to have~~  
31    ~~participate in that primary election. This petition shall be circulated,~~  
32    ~~signed, and verified, and the signatures of the voters on it shall be~~  
33    ~~certified to and transmitted to the Secretary of State by the county~~  
34    ~~elections officials substantially as provided for initiative petitions.~~  
35    ~~Each page of the petition shall bear a caption in 18-point boldface~~

1 ~~type, which caption shall be the name of the proposed party~~  
2 ~~followed by the words “Petition to participate in the primary~~  
3 ~~election.”~~

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