

**ASSEMBLY BILL**

**No. 2351**

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**Introduced by Assembly Member Gordon**

February 21, 2014

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An act to amend Sections 5100 and 5151 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, as introduced, Gordon. Political party qualification.

Existing law specifies the methods for a political party to qualify to participate in a primary election. Existing law provides that a party is qualified to participate in a primary election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state, at least 2% of the entire vote of the state. Existing law also provides that a party is qualified to participate in a primary election if, on or before the 135th day before the primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

This bill would revise these provisions for a party to qualify to participate in a primary election. This bill would provide that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office. Notwithstanding this provision, the bill would authorize the party to inform the Secretary of State that it declines to have the votes cast for

a candidate counted towards the 2% qualification threshold. This bill would also provide that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 154th day before the primary election have declared their preference for that party.

If a political party did not qualify to participate in a presidential primary election, but nevertheless seeks qualification to participate in the following presidential general election, existing law specifies the methods for the party to qualify to participate in the general election. Existing law provides that a party is qualified to participate in a presidential general election if, at the last preceding gubernatorial election, there was polled for any one of its candidates for any office voted on throughout the state at least 2% of the entire vote of the state. Existing law also provides that a party is qualified to participate in a presidential general election if, on or before the 102nd day before the general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters transmitted by county elections officials, that voters equal in number to at least 1% of the entire vote of the state at the last gubernatorial election have declared an intention to affiliate with that party.

This bill would revise these provisions for a party to qualify to participate in a presidential general election. This bill would provide that a party is qualified if, at the last preceding gubernatorial primary election, the sum of the votes cast for all of the candidates for an office voted on throughout the state who disclosed a preference for that party on the ballot was at least 2% of the entire vote of the state for that office. Notwithstanding this provision, the bill would authorize the party to inform the Secretary of State that it declines to have the votes cast for a candidate counted towards the 2% qualification threshold. This bill would also provide that a party is qualified to participate if it appears to the Secretary of State that voters equal in number to at least 0.33% of the total number of voters registered on the 123rd day before the presidential general election have declared their preference for that party.

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 (1) At the last preceding gubernatorial election there~~  
6 ~~was polled for any one of its candidates for any primary election,~~  
7 ~~the sum of the votes cast for all of the candidates for an office~~  
8 ~~voted on throughout the state, state who disclosed a preference~~  
9 ~~for that party on the ballot was at least 2 percent of the entire vote~~  
10 ~~of the state for that office.~~

11 (2) *Notwithstanding paragraph (1), a party may inform the*  
12 *Secretary of State that it declines to have the votes cast for any*  
13 *candidate who has disclosed that party as his or her party*  
14 *preference on the ballot counted toward the 2 percent qualification*  
15 *threshold. If the party wishes to have votes for any candidate not*  
16 *counted in support of its qualification under paragraph (1), the*  
17 *party shall notify the Secretary in writing of that candidate's name*  
18 *by the 7th day prior to the gubernatorial primary election.*

19 (b) ~~If on~~ *On* or before the 135th day before ~~any~~ *a* primary  
20 election, it appears to the Secretary of State, as a result of  
21 examining and totaling the statement of voters and their *declared*  
22 ~~political affiliations~~ *preference* transmitted to him or her by the  
23 county elections officials, that voters equal in number to at least  
24 ~~1 percent of the entire vote of the state at the last preceding~~  
25 ~~gubernatorial election~~ *0.33 percent of the total number of voters*  
26 *registered on the 154th day before the primary election* have  
27 declared their ~~intention to affiliate with~~ *preference* for that party.

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

1 in 18-point boldface type, which caption shall be the name of the  
2 proposed party followed by the words “Petition to participate in  
3 the primary election.”

4 SEC. 2. Section 5151 of the Elections Code is amended to read:  
5 5151. A party is qualified to participate in a presidential general  
6 election under any of the following conditions:

7 (a) If the ~~The~~ party qualified to participate and participated in  
8 the presidential primary election preceding the presidential general  
9 election pursuant to Section 5100.

10 (b) If at (1) At the last preceding gubernatorial election there  
11 was polled for any one of its candidates for any primary election,  
12 the sum of the votes cast for all of the candidates for an office  
13 voted on throughout the state who disclosed a preference for that  
14 party on the ballot was at least 2 percent of the entire vote of the  
15 state for that office.

16 (2) Notwithstanding paragraph (1), a party may inform the  
17 Secretary of State that it declines to have the votes cast for any  
18 candidate who has disclosed that party as his or her party  
19 preference on the ballot counted toward the 2 percent qualification  
20 threshold. If the party wishes to have votes for any candidate not  
21 counted in support of its qualification under paragraph (1), the  
22 party shall notify the Secretary in writing of that candidate's name  
23 by the 7th day prior to the gubernatorial primary election.

24 (c) If on or before the 102nd day before a presidential general  
25 election, it appears to the Secretary of State, as a result of  
26 examining and totaling the statement of voters and their declared  
27 political affiliations preference transmitted to him or her by the  
28 county elections officials, that voters equal in number to at least  
29 1 percent of the entire vote of the state at the last preceding  
30 gubernatorial election 0.33 percent of the total number of voters  
31 registered on the 123rd day before the presidential general election  
32 have declared their intention to affiliate with preference for that  
33 party.

34 (d) If on or before the 135th day before a presidential general  
35 election, there is filed with the Secretary of State a petition signed  
36 by voters, equal in number to at least 10 percent of the entire vote  
37 of the state at the last preceding gubernatorial election, declaring  
38 that they represent a proposed party, the name of which shall be  
39 stated in the petition, which proposed party those voters desire to  
40 have participate in that presidential general election. This petition

1 shall be circulated, signed, and verified, and the signatures of the  
2 voters on it shall be certified to and transmitted to the Secretary  
3 of State by the county elections officials substantially as provided  
4 for initiative petitions. Each page of the petition shall bear a caption  
5 in 18-point boldface type, which caption shall be the name of the  
6 proposed party followed by the words “Petition to participate in  
7 the presidential general election.”

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