

Assembly Bill No. 2351

CHAPTER 903

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

[Approved by Governor September 30, 2014. Filed with Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2351, 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.

This bill would incorporate additional changes to Sections 5100 and 5151 of the Elections Code, as proposed by SB 1043, to be operative only if SB 1043 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

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

SECTION 1. Section 5100 of the Elections Code is amended to read:

5100. A party is qualified to participate in a primary election under any of the following conditions:

(a) (1) 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 percent of the entire vote of the state for that office.

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

(b) On or before the 135th day before a primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political preference transmitted to him or her by the county elections officials, that voters equal in number to at least 0.33 percent of the total number of voters registered on the 154th day before the primary election have declared their preference for that party.

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

SEC. 1.5. Section 5100 of the Elections Code is amended to read:

5100. A party is qualified to participate in a primary election under any of the following conditions:

(a) (1) 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-percent of the entire vote of the state for that office.

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

(b) On or before the 135th day before a primary election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political preference transmitted to him or her by the county elections officials, that voters equal in number to at least 0.33 percent of the total number of voters registered on the 154th day before the primary election have declared their preference for that party.

(c) On or before the 135th day before a primary election, there is filed with the Secretary of State a political party qualification petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that the voters signing the petition support qualification of a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that primary election. This petition shall be circulated, signed and verified, and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words “Petition to participate in the primary election.”

SEC. 2. Section 5151 of the Elections Code is amended to read:

5151. A party is qualified to participate in a presidential general election under any of the following conditions:

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

(b) (1) 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 percent of the entire vote of the state for that office.

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

(c) If on or before the 102nd day before a presidential general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political preference transmitted to him or her by the county elections officials, that voters equal in number to at least 0.33 percent of the total number of voters registered on the 123rd day before the presidential general election have declared their preference for that party.

(d) On or before the 135th day before a presidential general election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that presidential general election. This petition shall be circulated, signed, and verified, and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the presidential general election."

SEC. 2.5. Section 5151 of the Elections Code is amended to read:

5151. A party is qualified to participate in a presidential general election under any of the following conditions:

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

(b) (1) 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 percent of the entire vote of the state for that office.

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

(c) On or before the 102nd day before a presidential general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their declared political preference transmitted to him or her by the county elections officials, that voters equal in number to at least 0.33 percent of the total number of voters registered on the 123rd day before the presidential general election have declared their preference for that party.

(d) On or before the 135th day before a presidential general election, there is filed with the Secretary of State a political party qualification petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that the voters signing the petition support qualification of a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that presidential general election. This petition shall be circulated, signed, and verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the presidential general election."

SEC. 3. (a) Section 1.5 of this bill incorporates amendments to Section 5100 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 5100 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section 1 of this bill shall not become operative.

(b) Section 2.5 of this bill incorporates amendments to Section 5151 of the Elections Code proposed by both this bill and Senate Bill 1043. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 5151 of the Elections Code, and (3) this bill is enacted after Senate Bill 1043, in which case Section 2 of this bill shall not become operative.