

Introduced by Senator Anderson

March 19, 2013

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article II thereof, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SCA 14, as introduced, Anderson. Voter-nominated primary elections.

Existing provisions of the California Constitution provide for a voter-nominated primary election for each congressional and state elective office in California, in which a voter may vote at the primary election for any candidate for a congressional or state elective office without regard to the political party preference disclosed by the candidate or the voter. Under the California Constitution, the candidates receiving the 2 highest vote totals for each voter-nominated office at a primary election, regardless of party preference, compete for the office at the ensuing general election.

This measure would provide that, if a candidate for State Senator or Member of the Assembly receives at least a majority of the votes cast for the office in a voter-nominated primary election, the candidate would be declared elected, and no general election would be held for that office.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2013–14 Regular
- 3 Session commencing on the third day of December 2012,

1 two-thirds of the membership of each house concurring, hereby
2 proposes to the people of the State of California that the
3 Constitution of the State be amended as follows:

4 That Section 5 of Article II thereof is amended to read:

5 SEC. 5. (a) A voter-nomination primary election shall be
6 conducted to select the candidates for congressional and state
7 elective offices in California. All voters may vote at a
8 voter-nominated primary election for any candidate for
9 congressional and state elective office without regard to the
10 political party preference disclosed by the candidate or the voter,
11 provided that the voter is otherwise qualified to vote for candidates
12 for the office in question. The candidates who are the top two
13 vote-getters ~~at a~~ *in the* voter-nominated primary election for a
14 congressional or state elective office shall, regardless of party
15 preference, compete in the ensuing general election. *However, if*
16 *a candidate for State Senator or Member of the Assembly receives*
17 *at least a majority of the votes cast for that office in a*
18 *voter-nominated primary election, that candidate shall be declared*
19 *elected, and a general election shall not be held for that office.*

20 (b) Except as otherwise provided by Section 6, a candidate for
21 a congressional or state elective office may have his or her political
22 party preference, or lack of political party preference, indicated
23 upon the ballot for the office in the manner provided by statute. A
24 political party or party central committee shall not nominate a
25 candidate for any congressional or state elective office at the
26 voter-nominated primary. This subdivision shall not be interpreted
27 to prohibit a political party or party central committee from
28 endorsing, supporting, or opposing any candidate for a
29 congressional or state elective office. A political party or party
30 central committee shall not have the right to have its preferred
31 candidate participate in the general election for a voter-nominated
32 office other than a candidate who is one of the two highest
33 vote-getters at the primary election, as provided in subdivision (a).

34 (c) The Legislature shall provide for partisan elections for
35 presidential candidates, and political party and party central
36 committees, including an open presidential primary whereby the
37 candidates on the ballot are those found by the Secretary of State
38 to be recognized candidates throughout the nation or throughout
39 California for the office of President of the United States, and those
40 whose names are placed on the ballot by petition, but excluding

1 any candidate who has withdrawn by filing an affidavit of
2 noncandidacy.

3 (d) A political party that participated in a primary election for
4 a partisan office pursuant to subdivision (c) has the right to
5 participate in the general election for that office and shall not be
6 denied the ability to place on the general election ballot the
7 candidate who received, at the primary election, the highest vote
8 among that party's candidates.

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