

Introduced by Senator Emmerson

February 21, 2013

An act to amend Section 10704 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 519, as introduced, Emmerson. Vacancies in office: special elections.

Existing law requires the Governor to issue a proclamation calling a special election to fill a vacancy in the office of Representative in Congress or either house of the Legislature within 14 days of when the vacancy occurs. Existing law requires that a special primary election be held in the district in which the vacancy occurred on the 9th Tuesday, or if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Existing law imposes deadlines relating to the filing of nomination papers for a candidate in a special primary election, as specified.

This bill would make nonsubstantive changes to the provision related to the deadlines imposed on a candidate in a special primary election relating to the filing of nomination papers.

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 10704 of the Elections Code is amended
- 2 to read:

1 10704. (a) Except as provided in subdivision (b), a special
2 primary election shall be held in the district in which the vacancy
3 occurred on the 9th Tuesday or, if the 9th Tuesday is the day of
4 or the day following a state holiday, the 10th Tuesday preceding
5 the day of the special general election at which the vacancy is to
6 be filled. Candidates at the primary election shall be nominated in
7 the manner set forth in Chapter 1 (commencing with Section 8000)
8 of Part 1 of Division 8, except that nomination papers shall not be
9 circulated more than 73 days before the primary election, shall be
10 left with the county elections official for examination not less than
11 53 days before the primary election, and shall be filed with the
12 Secretary of State not less than 53 days before the primary election.

13 (b) A special primary election shall be held in the district in
14 which the vacancy occurred on the 10th Tuesday preceding the
15 day of the special general election at which the vacancy is to be
16 filled if both of the following conditions apply:

17 (1) The 10th Tuesday preceding the day of the special general
18 election is an established election date pursuant to Section 1000.

19 (2) A statewide or local election occurring wholly or partially
20 within the same territory in which the vacancy exists is scheduled
21 for the 10th Tuesday preceding the day of the special general
22 election.

23 (c) An application for a vote by mail ballot for a special election
24 shall be made and processed in the manner required by Section
25 3001.

26 (d) The sample ballot for a special election shall contain a
27 written explanation of the election procedure for voter-nominated
28 ~~office offices~~ as specified in subdivision (b) of Section 9083.5.
29 Immediately after the explanation shall be printed the following:
30 “If one candidate receives more than 50% of the votes cast at the
31 special primary election, he or she will be elected to fill the vacancy
32 and no special general election will be held.”

33 (e) On the ballot for a special election, immediately below the
34 instructions to voters, there shall be a box not less than one-half
35 inch high enclosed by a heavy-ruled line the same as the borderline.
36 This box shall be as long as there are columns for the ballot and
37 shall be set directly above these columns. Within the box shall be
38 printed the words “Voter-Nominated Office.” Immediately below
39 that phrase within the same box shall be printed the following:

1 “All voters, regardless of the party preference they disclosed
2 upon registration, or refusal to disclose a party preference, may
3 vote for any candidate for a voter-nominated office. The party
4 preference, if any, designated by a candidate is selected by the
5 candidate and is shown for the information of the voters only. It
6 does not imply that the candidate is nominated or endorsed by the
7 party or that the party approves of the candidate.”

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