

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JULY 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 477

Introduced by Assembly Member Mullin

February 23, 2015

An act to amend Sections 3019 and 6901 of, to add Chapter 5 (commencing with Section 6850) to Part 1 of Division 6 of, and to add Part 6 (commencing with Section 7900) to Division 7 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 477, as amended, Mullin. Elections: ballots and the Green Party.

(1) Upon receipt of a vote by mail ballot and to determine if the signatures compare, existing law requires an elections official to compare the signature on the identification envelope with either (A) the signature appearing on the voter's affidavit of registration or a previous affidavit of registration of the voter, or (B) the signature appearing on a form issued by an elections official that contains the voter's signature, that is part of the voter's registration record, and that the elections official has determined compares with the signature on the voter's affidavit of registration or a previous affidavit of registration of the voter. If the signatures do not compare, existing law requires the identification envelope to not be opened, the ballot to not be counted,

and the cause of the rejection to be written on the face of the identification envelope.

This bill would strike the requirement that an elections official, in comparing the signatures on the identification envelope, as described in (B) above, determine that the signature appearing on a form issued by the elections official that contains the voter's signature compares with the signature on the voter's affidavit of registration or a previous affidavit of registration of the voter. If an elections official determines that a voter has failed to sign the identification envelope, the bill would prohibit the elections official from rejecting the vote by mail ballot if the voter signs the identification envelope at the elections official's office before 5 p.m. on the 8th day after the election, completes and submits an unsigned ballot statement, as specified, before 5 p.m. on the 8th day after the election, or completes and submits an unsigned ballot statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day. The bill would require the elections official to accept any completed unsigned ballot statement. The bill would require the elections official, upon receipt of the unsigned ballot statement, to compare the voter's signature on the statement, as described above, and, if the signatures compare, would require the elections official to attach the statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office. The bill would require the identification envelope to not be opened and the ballot to not be counted if the elections official determines that the signatures do not compare. ~~The bill would require the Secretary of State to include the unsigned ballot statement and instructions on completing the statement, and certain contact information for all elections officials, on his or her Internet Web site.~~ The bill would also require an elections official to include the unsigned ballot statement and instructions, and certain contact information, on his or her Internet Web site. By requiring elections officials to take additional actions related to vote by mail ballots, the bill would impose a state-mandated local program.

(2) Existing law provides for specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party participate in the presidential primary.

This bill would establish the procedures by which the Green Party would participate in the presidential primary.

Existing law authorizes the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party to each elect county central committees. Existing law establishes state central committees for the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party.

This bill would authorize the Green Party to establish, by election, county councils. The bill would also establish a state coordinating committee for the Green Party.

(3) This bill would incorporate additional changes to Section 3019 of the Elections Code, proposed by AB 1020, that would become operative only if AB 1020 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 3019 of the Elections Code is amended
2 to read:
3 3019. (a) Upon receipt of a vote by mail ballot, the elections
4 official shall compare the signature on the identification envelope
5 with either of the following to determine if the signatures compare:
6 (1) The signature appearing on the voter's affidavit of
7 registration or a previous affidavit of registration of the voter.
8 (2) The signature appearing on a form issued by an elections
9 official that contains the voter's signature and that is part of the
10 voter's registration record.
11 (b) In comparing signatures pursuant to subdivision (a), the
12 elections official may use the duplicate file of affidavits of
13 registered voters or facsimiles of voters' signatures if the method
14 of preparing and displaying the facsimiles complies with the law.
15 (c) (1) If upon conducting the comparison of signatures pursuant
16 to subdivision (a) the elections official determines that the

1 signatures compare, he or she shall deposit the ballot, still in the
2 identification envelope, in a ballot container in his or her office.

3 (2) If upon conducting the comparison of signatures pursuant
4 to subdivision (a) the elections official determines that the
5 signatures do not compare, the identification envelope shall not
6 be opened and the ballot shall not be counted. The cause of the
7 rejection shall be written on the face of the identification envelope.

8 (d) The variation of a signature caused by the substitution of
9 initials for the first or middle name, or both, shall not be grounds
10 for the elections official to determine that the signatures do not
11 compare.

12 (e) In comparing signatures pursuant to this section, an elections
13 official may use signature verification technology. If signature
14 verification technology determines the signatures do not compare,
15 the elections official shall not reject the ballot unless he or she
16 visually examines the signatures and verifies that the signatures
17 do not compare.

18 (f) (1) (A) Notwithstanding any other law, if an elections
19 official determines that a voter has failed to sign the identification
20 envelope, the elections official shall not reject the vote by mail
21 ballot if the voter does any of the following:

22 (i) Signs the identification envelope at the office of the elections
23 official during regular business hours before 5 p.m. on the eighth
24 day after the election.

25 (ii) Before 5 p.m. on the eighth day after the election, completes
26 and submits an unsigned ballot statement in substantially the
27 following form:

28
29 "UNSIGNED BALLOT STATEMENT"

30
31 I, _____, am a registered voter of _____ County,
32 State of California. I do solemnly swear (or affirm) that I requested and returned
33 a vote by mail ballot and that I have not and will not vote more than one ballot
34 in this election. I understand that if I commit or attempt any fraud in connection
35 with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection
36 with voting, I may be convicted of a felony punishable by imprisonment for
37 16 months or two or three years. I understand that my failure to sign this
38 statement means that my vote by mail ballot will be invalidated.

39 _____
40 Voter's Signature

1 _____
2 Address”
3

4 (iii) Before the close of the polls on election day, completes and
5 submits an unsigned ballot statement, in the form described in
6 clause (ii), to a polling place within the county or a ballot dropoff
7 box.

8 (B) If timely submitted, the elections official shall accept any
9 completed unsigned ballot statement. Upon receipt of the unsigned
10 ballot statement, the elections official shall compare the voter’s
11 signature on the statement in the manner provided by this section.

12 (i) If the elections official determines that the signatures
13 compare, he or she shall attach the unsigned ballot statement to
14 the identification envelope and deposit the ballot, still in the
15 identification envelope, in a ballot container in his or her office.

16 (ii) If the elections official determines that the signatures do not
17 compare, the identification envelope shall not be opened and the
18 ballot shall not be counted.

19 (C) An elections official may use methods other than those
20 described in subparagraph (A) to obtain a voter’s signature on an
21 unsigned identification envelope.

22 (2) Instructions shall accompany the unsigned ballot statement
23 in substantially the following form:
24

25 “READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
26 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
27 YOUR BALLOT NOT TO COUNT.

- 28 1. In order to ensure that your vote by mail ballot will be counted, your
29 statement should be completed and returned as soon as possible so that
30 it can reach the elections official of the county in which your precinct
31 is located no later than 5 p.m. on the eighth day after the election.
- 32 2. You must sign your name on the line above (Voter’s Signature).
- 33 3. Place the statement into a mailing envelope addressed to your local
34 elections official. Mail, deliver, or have delivered the completed
35 statement to the elections official. Be sure there is sufficient postage
36 if mailed and that the address of the elections official is correct.
- 37 4. Alternatively, you may submit your completed statement by facsimile
38 transmission to your local elections official, or submit your completed
39 statement to a polling place within the county or a ballot dropoff box
40 before the close of the polls on election day.

~~(3) The Secretary of State shall include the unsigned ballot statement and instructions described in this subdivision on his or her Internet Web site, and shall provide a list of mailing addresses and facsimile transmission numbers of all elections officials, or provide conspicuous hyperlinks to that information, on the Internet Web page containing the statement and instructions.~~

~~(4)~~

(3) An elections official shall include the unsigned ballot statement and instructions described in this subdivision on his or her Internet Web site, and shall provide the elections official's mailing address and facsimile transmission number on the Internet Web page containing the statement and instructions.

(g) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

SEC. 1.5. Section 3019 of the Elections Code is amended to read:

3019. (a) Upon receipt of a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(1) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(2) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(b) In comparing signatures pursuant to subdivision (a), the elections official may use ~~any file or list of registered voters~~ *facsimiles of voters' signatures*, if the method of preparing and displaying the ~~file or list~~ *facsimiles* complies with the law.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, he or she shall deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

(2) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

(d) The variation of a signature caused by the substitution of initials for the first or middle name, or both, shall not be grounds

1 for the elections official to determine that the signatures do not
2 compare.

3 (e) In comparing signatures pursuant to this section, an elections
4 official may use signature verification technology. If signature
5 verification technology determines the signatures do not compare,
6 the elections official shall not reject the ballot unless he or she
7 visually examines the signatures and verifies that the signatures
8 do not compare.

9 (f) (1) (A) Notwithstanding any other law, if an elections
10 official determines that a voter has failed to sign the identification
11 envelope, the elections official shall not reject the vote by mail
12 ballot if the voter does any of the following:

13 (i) Signs the identification envelope at the office of the elections
14 official during regular business hours before 5 p.m. on the eighth
15 day after the election.

16 (ii) Before 5 p.m. on the eighth day after the election, completes
17 and submits an unsigned ballot statement in substantially the
18 following form:

19
20 “UNSIGNED BALLOT STATEMENT

21
22 I, _____, am a registered voter of _____ County,
23 State of California. I do solemnly swear (or affirm) that I requested and returned
24 a vote by mail ballot and that I have not and will not vote more than one ballot
25 in this election. I understand that if I commit or attempt any fraud in connection
26 with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection
27 with voting, I may be convicted of a felony punishable by imprisonment for
28 16 months or two or three years. I understand that my failure to sign this
29 statement means that my vote by mail ballot will be invalidated.

30
31 _____
32 Voter’s Signature

33 _____
34 Address”

35 (iii) Before the close of the polls on election day, completes and
36 submits an unsigned ballot statement, in the form described in
37 clause (ii), to a polling place within the county or a ballot dropoff
38 box.

39 (B) If timely submitted, the elections official shall accept any
40 completed unsigned ballot statement. Upon receipt of the unsigned

1 ballot statement, the elections official shall compare the voter's
2 signature on the statement in the manner provided by this section.

3 (i) If the elections official determines that the signatures
4 compare, he or she shall attach the unsigned ballot statement to
5 the identification envelope and deposit the ballot, still in the
6 identification envelope, in a ballot container in his or her office.

7 (ii) If the elections official determines that the signatures do not
8 compare, the identification envelope shall not be opened and the
9 ballot shall not be counted.

10 (C) An elections official may use methods other than those
11 described in subparagraph (A) to obtain a voter's signature on an
12 unsigned identification envelope.

13 (2) Instructions shall accompany the unsigned ballot statement
14 in substantially the following form:

15
16 "READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
17 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
18 YOUR BALLOT NOT TO COUNT.

- 19 1. In order to ensure that your vote by mail ballot will be counted, your
20 statement should be completed and returned as soon as possible so that
21 it can reach the elections official of the county in which your precinct
22 is located no later than 5 p.m. on the eighth day after the election.
- 23 2. You must sign your name on the line above (Voter's Signature).
- 24 3. Place the statement into a mailing envelope addressed to your local
25 elections official. Mail, deliver, or have delivered the completed
26 statement to the elections official. Be sure there is sufficient postage
27 if mailed and that the address of the elections official is correct.
- 28 4. Alternatively, you may submit your completed statement by facsimile
29 transmission to your local elections official, or submit your completed
30 statement to a polling place within the county or a ballot dropoff box
31 before the close of the polls on election day.

32
33 ~~(3) The Secretary of State shall include the unsigned ballot~~
34 ~~statement and instructions described in this subdivision on his or~~
35 ~~her Internet Web site, and shall provide a list of mailing addresses~~
36 ~~and facsimile transmission numbers of all elections officials, or~~
37 ~~provide conspicuous hyperlinks to that information, on the Internet~~
38 ~~Web page containing the statement and instructions.~~

39 (4)

1 (3) An elections official shall include the unsigned ballot
2 statement and instructions described in this subdivision on his or
3 her Internet Web site, and shall provide the elections official's
4 mailing address and facsimile transmission number on the Internet
5 Web page containing the statement and instructions.

6 (g) A ballot shall not be removed from its identification envelope
7 until the time for processing ballots. A ballot shall not be rejected
8 for cause after the identification envelope has been opened.

9 SEC. 2. Chapter 5 (commencing with Section 6850) is added
10 to Part 1 of Division 6 of the Elections Code, to read:

11
12 CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY

13
14 Article 1. General Provisions

15
16 6850. This chapter applies to the presidential primary ballot
17 of the Green Party only. As used in this chapter, "Green Party"
18 means the Green Party of California.

19 6850.5. The Green Party presidential primary ballot shall
20 express the presidential preference of California voters who vote
21 in the Green Party primary. National convention delegates shall
22 be selected as provided for in the bylaws and the rules and
23 procedures of the Green Party and pursuant to the rules of the
24 national political party with which the Green Party is affiliated.

25 6850.7. A filing fee shall not be required from a person to be
26 voted for in a Green Party presidential primary.

27
28 Article 2. Qualification of Candidates for Presidential Preference
29 Portion of Primary Ballot

30
31 6851. The Secretary of State shall place the name of a candidate
32 upon the Green Party presidential preference ballot when the
33 Secretary of State has determined that the candidate is generally
34 advocated for or recognized throughout the United States or
35 California as actively seeking the presidential nomination of the
36 Green Party or the national political party with which the Green
37 Party is affiliated.

38 6851.5. On or before the 150th day preceding a presidential
39 primary election, the Secretary of State shall send a letter by
40 first-class mail to the Green Party Liaison to the Secretary of State

1 informing her or him that, while a response is not required, any
2 information she or he wishes to submit will be considered by the
3 Secretary of State in the determination of candidates to be placed
4 on the Green Party presidential preference primary ballot pursuant
5 to Section 6851.

6 6852. On or before the 120th day preceding a presidential
7 primary election, the Secretary of State shall publicly announce
8 and distribute to the news media for publication a list of the
9 candidates she or he intends to place on the ballot at the following
10 presidential primary election. Following this announcement, the
11 Secretary of State may add candidates to her or his selection, but
12 she or he may not delete any candidate whose name appears on
13 the announced list. The Secretary of State shall mail a copy of the
14 list and any subsequent additions to the list to the Green Party
15 Liaison to the Secretary of State.

16 6852.5. When the Secretary of State decides to place the name
17 of a candidate on the ballot pursuant to Sections 6851 and 6852,
18 the Secretary of State shall notify the candidate that her or his
19 name will appear on the Green Party presidential preference
20 primary ballot.

21 6853. If a selected candidate or an unselected candidate files
22 with the Secretary of State, no later than the 68th day before the
23 presidential primary, an affidavit stating without qualification that
24 she or he is not a candidate for the office of President of the United
25 States at the forthcoming presidential primary election, the name
26 of that candidate shall be omitted from the list of names certified
27 by the Secretary of State to the elections official for the ballot and
28 the name of that candidate shall not appear on the presidential
29 preference portion of the primary ballot.

30 6853.5. An unselected candidate desiring to have her or his
31 name placed on the presidential preference primary ballot shall
32 have nomination papers circulated on her or his behalf. In order
33 to qualify the name of that candidate for placement on the
34 presidential preference primary ballot, the nomination papers of
35 the candidate shall be signed by voters registered as preferring the
36 Green Party equal in number to not less than 1 percent of the
37 number of persons registered as preferring the Green Party as
38 reflected in the report of registration issued by the Secretary of
39 State on the 135th day before the presidential primary election.

Article 3. Preparation, Circulation, and Filing of Nominating
Papers

6854. This article applies to the nomination of a Green Party candidate for the presidential primary ballot.

6854.5. Nomination papers properly prepared, circulated, signed, and verified shall be left, for examination, with the elections official of the county in which they are circulated at least 74 days before the presidential primary.

6855. Each signer of a nomination paper for the presidential primary ballot may sign only one paper. The signer shall add her or his printed name and place of residence indicating city and giving the street and number, if any.

6855.5. A nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as preferring the Green Party are competent to sign.

6856. Each section shall be prepared with the lines for signatures numbered, and shall have attached the declaration of the circulator who obtained signatures to it, which shall meet all of the requirements of Section 104. No other declaration is required to be made.

6856.5. A verified nomination paper is prima facie evidence that the signatures are genuine and that the persons signing it are voters registered as preferring the Green Party until it is otherwise proven by comparison of the signatures with the affidavits of registration in the office of the elections official.

6857. The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____ Page _____

County of _____.

Nomination paper of a presidential preference candidate for the Green Party
presidential primary ballot.

1
 2 State of California
 3 County of _____ } ss.
 4

5 SIGNER'S STATEMENT
 6

7 I, the undersigned, am a voter of the County of _____, State of
 8 California, and am registered as preferring the Green Party. I hereby nominate
 9 _____ for the presidential preference portion of the Green Party's
 10 presidential primary ballot, to be voted for at the presidential primary to be
 11 held on the _____ day of _____, 20____. I have not signed
 12 the nomination paper of any other candidate for the same office.
 13

14 Number _____ Signature _____ Printed name _____ Residence
 15 _____
 16

- 17 1. _____
 18 2. _____
 19 3. _____
 20 etc.

21
 22 CIRCULATOR'S DECLARATION
 23

24 I, _____, affirm all of the following:

- 25 1. That I am 18 years of age or older.
 26 2. That my residence address, including street number, is
 27 _____
 28 _____
 29

30 [If no street or number exists, a designation of my residence adequate to
 31 readily ascertain its location is
 32 _____
 33 _____.]
 34

35 3. That I secured signatures in the County of _____ to the nomination
 36 paper of a candidate in the presidential preference primary of the Green Party,
 37 that all the signatures on this section of the nomination paper numbered from
 38 1 to _____, inclusive, were made in my presence, that the signatures were
 39 obtained between _____, 20__, and _____, 20__, and that

1 to the best of my knowledge and belief each signature is the genuine signature
2 of the person whose name it purports to be.

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 Executed at _____, California, this ____ day of ____, 20__.

7 [Signed] _____

8 Circulator

9 [Printed Name] _____

10
11 6857.5. Before filing, the sections of a nomination paper for a
12 candidate shall be numbered in order.

13 6858. Nomination papers, properly assembled, may be
14 consolidated and fastened together by counties, but nomination
15 papers signed by voters in different counties shall not be fastened
16 together.

17 6858.5. The elections official shall examine all nomination
18 papers left with her or him for examination and shall disregard
19 and mark “not sufficient” the name of any voter of that county that
20 does not appear in the same handwriting on an affidavit of
21 registration in the office of the elections official. The elections
22 official shall also disregard and mark “not sufficient” the name of
23 any voter of the county who is not registered as preferring the
24 Green Party.

25 6859. Within five days after any nomination papers are left
26 with the elections official for examination, the elections official
27 shall do both of the following:

28 (a) Examine and affix to them a certificate reciting that she or
29 he has examined them and stating the number of names that have
30 not been marked “not sufficient.”

31 (b) Transmit the papers with the certificate of examination to
32 the Secretary of State, who shall file the papers.

33 6859.5. The certificate of the elections official to nomination
34 papers of a candidate shall be in substantially the following form:

35
36 CERTIFICATE OF COUNTY ELECTIONS OFFICIAL TO NOMINATION
37 PAPERS OF A CANDIDATE

38
39 To the Secretary of State:
40

1 I, County Elections Official of the County of _____, hereby certify that I
2 have examined the nomination papers, to which this certificate is attached, of
3 the presidential candidate, and that the number of names which I have not
4 marked “not sufficient” is _____.

5 The candidate named in the nomination papers is comprised of the following:
6 _____
7

8 Dated this _____ day of _____, 20____.
9

10 (SEAL)

County Elections Official

By _____

Deputy

13
14 6860. Upon receipt of a sufficient number of signatures for the
15 nomination of a candidate for the presidential preference primary
16 ballot, the Secretary of State shall notify the candidate or her or
17 his duly authorized representative of that fact.
18

19 Article 4. Green Party Presidential Primary Ballot
20

21 6861. Following the filing of nomination papers, the
22 presidential preference primary candidates shall be printed upon
23 the ballot.

24 6861.5. For the presidential primary election, the format of the
25 Green Party ballot shall be governed by Chapter 2 (commencing
26 with Section 13100) of Division 13, with the following exceptions:

27 (a) The heading “Presidential Candidate Preference” shall be
28 included.

29 (b) Selected and unselected presidential candidates shall be
30 listed below the heading specified in subdivision (a).

31 (c) The instructions to voters shall begin with the words “Vote
32 for a candidate.” The instructions to voters shall also include the
33 statement that “Delegates to the national convention will be
34 selected after the primary election.”

35 6862. A person who believes her or his name may be used as
36 a write-in candidate for President of the United States shall, no
37 later than 21 days before the primary election, file an endorsement
38 of her or his write-in candidacy with the Secretary of State, or no
39 votes shall be counted for that write-in candidate.

Article 5. Certification of National Convention Delegates
Election and Postelection Proceedings

6863. The number of delegates to be selected following the presidential preference primary shall be the number established by the national political party with which the Green Party is affiliated.

6863.5. National convention delegates shall be selected as provided for in the bylaws and the rules and procedures of the Green Party and pursuant to the rules of the national political party with which the Green Party is affiliated.

Article 6. Presidential Electors

6864. In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Green Party shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled, 50 percent of whom shall be women and 50 percent men, unless an odd number of electors is to be chosen, in which case the difference between the number of women and men shall be not more than one elector. The Green Party Liaison to the Secretary of State shall certify the name of each elector nominated, and the elector's residence address to the Secretary of State.

SEC. 3. Section 6901 of the Elections Code is amended to read:

6901. Whenever a political party, in accordance with Section 6864, 7100, 7300, 7578, or 7843, submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election.

SEC. 4. Part 6 (commencing with Section 7900) is added to Division 7 of the Elections Code, to read:

PART 6. GREEN PARTY

CHAPTER 1. GENERAL PROVISIONS

7900. This part applies to the organization, operations, and functions of the party known as the Green Party. As used in this part, “Green Party” means the Green Party of California.

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

7901. At each presidential primary election, members of central committees, which shall be termed “county councils,” shall be elected in each county.

7902. For purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political preferences transmitted by the elections officials to the Secretary of State on or before March 1 of the odd-numbered year preceding the next presidential primary election.

7903. The number of members of the county council to be elected in a county shall be a minimum of three and a maximum of 50, and the process in which each county’s number shall be calculated shall be defined in the Green Party’s bylaws and, to be effective, shall be communicated to the Secretary of State by the Green Party Liaison to the Secretary of State no later than 175 days before the next presidential primary election.

7904. At its first meeting following the presidential primary election and at subsequent meetings, a county council may appoint additional members to the county council to fill any vacancy.

7905. A person shall not be appointed to membership on a county council who is registered as preferring another party or registered as “No Party Preference.” Appointment of other persons who cannot register to vote shall be allowed under certain circumstances as described in state Green Party bylaws and any applicable county Green Party bylaws.

7906. The removal of residence by an elected or appointed member of a county council from the applicable county shall constitute automatic resignation from the county council.

7907. A member of a county council who changes her or his voter registration to no longer prefer the Green Party shall automatically be removed from office upon such registration.

1 7908. County council members additionally may be removed
2 for cause by procedures established in the Green Party's bylaws.

3 7909. When a person is appointed to a county council, the
4 county council shall file notices of the appointment with the county
5 elections official and the coordinating committee of the Green
6 Party within 30 days after the appointment is made. The notices
7 shall contain the name and address of the person appointed and
8 shall indicate the date of the appointment.

9 7910. The Department of General Services shall permit any
10 county council that desires to do so to hold meetings in a state
11 building within the county, and a minimum of one meeting each
12 month shall be without charge.

13
14 CHAPTER 3. ELECTION OF COUNTY COUNCILS
15

16 7911. Members of county councils shall be elected from one
17 or more multi-member districts. Multimember districts shall
18 conform to the county boundaries or recognized jurisdictional
19 boundaries of Congressional, State Assembly, State Senate, or
20 Supervisorial districts within that county, in accordance with state
21 Green Party bylaws and county Green Party bylaws.

22 7912. The Secretary of State, no later than the 175th day before
23 the presidential primary election, shall compute the number of
24 members of a county council to be elected in each county and shall
25 mail a certificate to that effect to the elections official of each
26 county and to the Green Party Liaison to the Secretary of State.

27 7913. The elections official, no later than the 172nd day before
28 the presidential primary election, shall compute the number of
29 members of a county council to be elected in each district if the
30 election of the members is to be by district pursuant to this chapter.

31 7914. In each county, the name of each candidate for member
32 of a county council shall appear on the ballot only if she or he is
33 registered as preferring the Green Party and has filed a nomination
34 paper pursuant to Chapter 5 (commencing with Section 6850) of
35 Part 1 of Division 6, signed on the candidate's behalf by Green
36 Party voters of the county council election district in which she or
37 he is a candidate.

38 7915. In counties where members of county councils are to be
39 elected by district, a person seeking election as a member of a

1 county council may seek election only in the district in which she
2 or he resides.

3 7916. Notwithstanding any other provision of this code, a
4 person may obtain and circulate nomination papers for both
5 nomination to a public office and for election as a member of a
6 county council.

7 7917. Notwithstanding any other provision of this code, the
8 number of sponsors that shall be required of a person to be a
9 candidate for member of a county council shall be either not less
10 than 20 sponsors, or not less than 2 percent of the number of voters
11 registered as preferring the Green Party in the county council
12 election district, whichever is less.

13 7918. Notwithstanding any other provision of this code, each
14 sponsor is entitled to sponsor as many candidates as there are seats
15 in the district. Candidate names listed on a single sponsor's
16 certificate, and the signatures on the certificate shall count toward
17 the sponsor requirement of each and every candidate whose name
18 is listed on the certificate. The number of candidates having their
19 names on a sponsor's certificate shall not exceed the number of
20 members of a county council to be elected in the district.

21 7919. The elections official of each county shall include the
22 office of member of county council and the candidates for the
23 office in a place and manner similar to that for the office of county
24 central committee of other political parties and the candidates for
25 that office on the applicable official lists.

26 7920. The order of appearance of the names of the candidates
27 for member of county council on the ballot shall be determined
28 by a public drawing held at the time, place, and manner prescribed
29 for determining the order of names of county central committee
30 members pursuant to Chapter 2 (commencing with Section 13100)
31 of Division 13.

32 7921. The office of member of county council shall be placed
33 on the presidential primary ballot under the heading "Party County
34 Council" in the place and manner designated for the office of
35 county central committee pursuant to Chapter 2 (commencing with
36 Section 13100) of Division 13. The subheading printed under party
37 central committees on the presidential primary ballot shall be in
38 substantially the following form: Member of Green Party County
39 Council, ____ the _____ District or Member of the Green
40 Party County Council, _____ County.

1 7922. Except as otherwise provided in this section, the votes
2 cast for each candidate for member of county council shall be
3 included in the canvass and statement of results in a manner similar
4 to the vote for each candidate for county central committees
5 pursuant to Division 15 (commencing with Section 15000), and
6 specifically:

7 (a) The final total of votes cast for each candidate for member
8 of county council, including the name, address, and ballot
9 designation of each such candidate, and a specification as to which
10 candidates were declared elected shall be certified to the Secretary
11 of State without delay upon completion of the official canvass.
12 The county clerk shall simultaneously send one copy of this final
13 certification to the Green Party Liaison to the Secretary of State.

14 (b) As soon as practicable after the presidential primary election,
15 the Secretary of State shall prepare a certified list, by county, of
16 all elected Green Party members of county councils, including
17 their addresses and primary election ballot designations. The
18 Secretary of State shall send copies of the list to the registrar of
19 voters in each county no later than 45 days following the
20 presidential primary election. This list shall be maintained for
21 public inspection by the registrars of voters in each county until a
22 subsequent list is received.

23 (c) The Secretary of State, no later than 45 days following the
24 presidential primary election, shall send a notice by mail to each
25 of the elected members of county councils that informs the person
26 that she or he has been elected as a member of the county council.
27 The Secretary of State shall send a copy of the certified list of all
28 elected members of all county councils to the Green Party Liaison
29 to the Secretary of State.

30 7923. Notwithstanding any other provision of this code, a
31 write-in candidate for member of county council shall not be
32 declared elected unless the write-in candidate has received a
33 number of votes equal to or greater than 2 percent of the number
34 of party members voting in the county council election district at
35 the presidential primary or 20 votes, whichever is less.

CHAPTER 4. STATE COORDINATING COMMITTEE

7924. The members of the state coordinating committee shall be elected as provided in the Green Party bylaws and shall have the responsibilities described in those bylaws.

7925. A person shall not be a member of the state coordinating committee unless she or he is registered as a voter preferring the Green Party.

7926. The state coordinating committee shall hold meetings at least once during each year.

7927. (a) The state coordinating committee shall have the authority to certify, as provided by Green Party bylaws, county council members in the following counties:

(1) Counties where no county council candidates qualified for the ballot in the preceding presidential primary election.

(2) Counties where all members of the county council have become disqualified from holding office.

(b) County council members certified pursuant to this section shall meet the qualifications otherwise required for county council members. County council members certified pursuant to this section shall be reported by the state coordinating committee to the applicable county elections officials. County council members certified under this section shall have all the powers and privileges otherwise afforded to county councils.

7928. The state coordinating committee shall communicate in writing to the Secretary of State the identity of the Green Party Liaison to the Secretary of State.

SEC. 5. Section 1.5 of this bill incorporates amendments to Section 3019 of the Elections Code proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 3019 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 1 of this bill shall not become operative.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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