

AMENDED IN SENATE MAY 20, 2015

AMENDED IN SENATE APRIL 8, 2015

SENATE BILL

No. 49

Introduced by Senator Runner

December 19, 2014

An act to amend Section 10705 of the Elections Code, relating to ~~elections~~, *elections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 49, as amended, Runner. Elections: special elections.

Existing law requires the Governor, within 14 calendar days of the occurrence of a vacancy in a congressional or legislative office, to issue a proclamation calling a special election in accordance with certain requirements. Existing law requires a special primary election in the district in which the vacancy occurred to be held on the 9th or 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Existing law requires all candidates to be listed on one ballot and, if any candidate receives a majority of all votes cast at the special primary election, requires that the candidate receiving the majority of the votes cast be declared elected and cancels the special general election. Existing law also requires that a candidate be declared elected and cancels the special general election if only one candidate qualifies to have his or her name printed on the special general election ballot.

This bill would ~~require the Secretary of State~~ *authorize the Governor* to declare a candidate for a legislative office elected ~~and would cancel the special primary election and special general election~~ if only one candidate for the legislative office qualifies to have his or her name

printed on the special primary election ballot and no person has qualified to be a write-in candidate at the special primary election. ~~ballot, and would cancel the special primary election and special general election if the Governor declares such a candidate elected.~~ The bill would also require the Governor to rescind the proclamation calling for the special election if a special primary election or a special general election is canceled because a candidate has been declared elected, as specified. The bill would ~~clarify~~ *specify* that a candidate is declared elected, for purposes of the existing provisions described above, by the ~~Secretary of State~~ *Governor*.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 10705 of the Elections Code is amended
 2 to read:
 3 10705. (a) All candidates shall be listed on one ballot and,
 4 except as provided in subdivision (b), if a candidate receives a
 5 majority of all votes cast, he or she shall be declared elected by
 6 the ~~Secretary of State~~, *Governor*, and the special general election
 7 shall not be held.
 8 (b) If only one candidate qualifies to have his or her name
 9 printed on the special general election ballot, that candidate shall
 10 be declared elected by the ~~Secretary of State~~, *Governor*, and the
 11 special general election shall not be held.
 12 (c) If only one candidate for a legislative office qualifies to have
 13 his or her name printed on the special primary election ballot ~~and~~
 14 ~~no person has qualified to be a write-in candidate at the special~~
 15 ~~primary election~~, that candidate ~~shall~~ *may* be declared elected by
 16 the ~~Secretary of State~~, *and Governor*. *If a candidate is declared*
 17 *elected by the Governor pursuant to this subdivision*, the special
 18 primary election and special general election shall not be held.
 19 (d) If, pursuant to any of subdivisions (a) to (c), inclusive, a
 20 special primary election or a special general election will not be
 21 held, the Governor shall rescind the proclamation calling the special
 22 election.

1 *SEC. 2. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the Constitution and shall go into*
4 *immediate effect. The facts constituting the necessity are:*

5 *In order to prevent the unnecessary expenditure of state and*
6 *local moneys on special elections, it is necessary that this act take*
7 *effect immediately.*