

**ASSEMBLY BILL**

**No. 917**

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**Introduced by Assembly Member Hertzberg**

February 25, 1999

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An act to amend Sections 316, 340, 356, 1000, 1201, 1202, 6180, 6787, 6952, and 10703 of the Elections Code, relating to presidential primaries.

LEGISLATIVE COUNSEL'S DIGEST

AB 917, as introduced, Hertzberg. presidential primaries.

Existing law provides that the statewide direct primary election is to be held on the first Tuesday after the first Monday in March of each even-numbered year. Existing law also requires that the presidential primary, held in any year that is evenly divisible by the number 4, be consolidated with the direct primary election.

This bill instead would require that the statewide direct primary election be held on the first Saturday and Sunday of the first weekend in March in each even-numbered year and that, in any year that is evenly divisible by the number 4, it be consolidated with the presidential primary held that year.

This bill would make various conforming changes to related provisions of law, necessitated by the change in those dates.

Existing law provides that a "special election" is an election, the specific time for the holding which is not prescribed by law. Existing law further provides that a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 119 days,

following the issuance of an election proclamation by the Governor, except that any special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50% of all the voters eligible to vote on the vacancy.

This bill would provide that a “statewide special election” is an election held on the Saturday and Sunday of the first weekend of the month designated for that purpose by the act calling the election. The bill would further provide that a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on the Saturday and Sunday of the first weekend of the month that is not less than 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor. The bill would eliminate the exception that permits any special election to be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled direct primary election or local election occurring wholly or partially within the same territory in which the vacancy exists.

This bill, by expanding the number of days on which statewide direct primary and statewide special elections are held would place new duties on local elections officials and thereby impose a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 316 of the Elections Code is  
2 amended to read:

3 316. “Direct primary” is the primary election held on  
4 the ~~first Tuesday~~ *Saturday and Sunday of the first*  
5 *weekend* in March in each even-numbered year, to  
6 nominate candidates to be voted for at the ensuing  
7 general election or to elect members of a party central  
8 committee.

9 SEC. 2. Section 340 of the Elections Code is amended  
10 to read:

11 340. “Presidential primary” is the primary election  
12 that is held on the ~~first Tuesday~~ *Saturday and Sunday of*  
13 *the first weekend* in March in any year ~~which~~ *that is*  
14 evenly divisible by the number four, and at which  
15 delegations to national party conventions are to be  
16 chosen.

17 SEC. 3. Section 356 of the Elections Code is amended  
18 to read:

19 356. (a) “Special election” is an election, the specific  
20 time for the holding of which is not prescribed by law.

21 (b) “*Statewide special election*” is an election held on  
22 *the Saturday and Sunday of the first weekend of the*  
23 *month designated for that purpose by the act calling the*  
24 *election.*

25 SEC. 4. Section 1000 of the Elections Code is amended  
26 to read:

27 1000. The established election dates in each year are  
28 as follows:

29 (a) The second Tuesday of April in each  
30 even-numbered year.

31 (b) The first Tuesday after the first Monday in March  
32 of each odd-numbered year.

33 (c) The ~~first Tuesday~~ *Saturday and Sunday of the first*  
34 *weekend* in March in each even-numbered year.



1 (d) The first Tuesday after the first Monday in  
2 November of each year.

3 (e) The first Tuesday after the first Monday in June of  
4 each odd-numbered year.

5 SEC. 5. Section 1201 of the Elections Code is amended  
6 to read:

7 1201. (a) The statewide direct primary shall be held  
8 on the ~~first Tuesday~~ *Saturday and Sunday of the first*  
9 *weekend* in March of each even-numbered year.

10 (b) Notwithstanding subdivision (a), in any year  
11 ~~which~~ *that* is evenly divisible by the number four, the  
12 statewide direct primary shall be held on the ~~first~~  
13 ~~Tuesday~~ *Saturday and Sunday of the first weekend* in  
14 March and shall be consolidated with the presidential  
15 primary held in that year.

16 SEC. 6. Section 1202 of the Elections Code is amended  
17 to read:

18 1202. The presidential primary shall be held on the  
19 ~~first Tuesday~~ *Saturday and Sunday of the first weekend*  
20 in March in any year evenly divisible by the number four.

21 SEC. 7. Section 6180 of the Elections Code is amended  
22 to read:

23 6180. At least 59 days before a presidential primary  
24 election, the Secretary of State shall transmit to each  
25 county elections official a certified list containing the  
26 name of each candidate who is entitled to be voted for on  
27 the ballot at the presidential primary, and the name of  
28 each chairperson of a steering committee of an  
29 uncommitted delegation who is to be voted for on the  
30 same ballot.

31 If no uncommitted delegation has qualified pursuant to  
32 Article 4 (commencing with Section 6060), the Secretary  
33 of State shall inform the county elections officials to  
34 provide for an uncommitted delegate space on the ballot.

35 The certified list shall be in substantially the following  
36 form:

37



Certified List of Presidential Candidates and Uncommitted  
Delegations

To the County Elections Official of \_\_\_\_ County:

I, \_\_\_\_, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the \_\_\_\_ ~~day~~ and \_\_\_\_ *days* of March, 20\_\_, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

List of Presidential Candidates and Uncommitted Delegations

- Linda Adams
- Joseph Black
- John Reardon
- Unpledged delegation
- Paul Minor,
- Chairperson

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_,  
20\_\_.

(SEAL) \_\_\_\_\_  
Secretary of State

SEC. 8. Section 6787 of the Elections Code is amended to read:  
6787. The nomination paper for a group of candidates for delegates to the national convention shall be in substantially the following form:



SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
BEHALF OF GROUP OF CANDIDATES FOR DELEGATES  
TO NATIONAL CONVENTION

Section \_\_\_\_ Page \_\_\_\_  
County of \_\_\_\_\_.

Nomination paper of group of candidates for election as  
delegates by the Peace and Freedom Party pledged to the  
candidacy of \_\_\_\_ as presidential nominee, or expressing no  
preference, as the case may be.

State of California }  
County of \_\_\_\_\_ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of \_\_\_\_, State  
of California, and am registered as affiliated with the Peace and  
Freedom Party. I hereby nominate the following:

---



---

Number	Names	Residence city or town	County
1.	_____		
2.	_____		
3.	_____		
etc.	_____		

---



1 (to the number as may be required) as candidates for delegate to  
 2 the national convention of the \_\_\_\_ Party, with which the  
 3 Peace and Freedom Party of California is affiliated on the national  
 4 level, to be voted for at the presidential primary to be held on the  
 5 \_\_\_\_ ~~day~~ *and* \_\_\_\_ *days* of March, 20\_\_\_. I have not signed  
 6 the nomination paper of any other group of candidates for  
 7 delegates to the national convention or of any candidate for the  
 8 presidential preference portion of the primary ballot.

9

10 \_\_\_\_\_  
 11 \_\_\_\_\_

11				Residence
12	Number	Signature	Printed name	street address
13				/city
14				
15	1.	_____	_____	_____
16	2.	_____	_____	_____
17	3.	_____	_____	_____
18	etc.	_____	_____	_____
19		_____	_____	_____
20		_____	_____	_____



CIRCULATOR’S DECLARATION

1  
2  
3 I, \_\_\_\_\_, affirm that I am a voter registered as affiliated  
4 with the Peace and Freedom Party in \_\_\_\_ County, that I  
5 have been appointed as a circulator to secure signatures in the  
6 County of \_\_\_\_ to the nomination paper of the group of can-  
7 didates named in the signer’s statement above as candidates for  
8 nomination and election by the Peace and Freedom Party as  
9 delegates to represent the Peace and Freedom Party of Califor-  
10 nia in the \_\_\_\_ Party’s next national convention, that all the  
11 signatures on this section of the nomination paper numbered  
12 from 1 to \_\_\_\_\_, inclusive, were made in my presence, that  
13 the signatures were obtained between \_\_\_\_ 20\_\_, and  
14 \_\_\_\_ 20\_\_, and that to the best of my knowledge and belief  
15 each signature is the genuine signature of the person whose  
16 name it purports to be.

17 I declare under penalty of perjury that the foregoing is true  
18 and correct.

19 Executed at \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_,  
20 20\_\_.

21  
22 (Signed)\_\_\_\_\_

23 Circulator

24 (Printed name)\_\_\_\_\_

25  
26 SEC. 9. Section 6952 of the Elections Code is amended  
27 to read:  
28 6952. The certified list required by Section 6951 shall  
29 be in substantially the following form:

30  
31 CERTIFIED LIST OF CANDIDATES FOR  
32 PRESIDENTIAL PREFERENCE PRIMARY AND  
33 CANDIDATES FOR NATIONAL CONVENTION  
34 DELEGATE

35  
36 To the County Elections Official of \_\_\_\_ County:  
37 I, \_\_\_\_\_, Secretary of State, do hereby certify that  
38 the names of the candidates to appear on the March  
39 \_\_\_\_ and \_\_\_\_\_, 20\_\_, Peace and Freedom Party



1 presidential preference primary ballot, in the order in  
2 which they are to appear, are:

3  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 etc. etc.

7  
8 I further certify that the following list contains the  
9 name and post office address of each person who is  
10 entitled to be voted for at the March \_\_\_\_ and  
11 \_\_\_\_, 20\_\_, Peace and Freedom Party presidential  
12 primary election as a candidate for delegate to the next  
13 national convention of the \_\_\_\_ Party with which the  
14 Peace and Freedom Party of California is affiliated on the  
15 national level. I further certify that the groups of  
16 candidates for delegate each appear under the name of  
17 the person for whom the group has expressed a  
18 preference as nominee of the Peace and Freedom Party  
19 for President, or under the name of the group  
20 chairperson in case of a group not expressing a  
21 preference, and that the groups are listed in the order in  
22 which they are to appear on the national convention  
23 delegate portion of the Peace and Freedom Party  
24 presidential primary ballot.



LIST OF CANDIDATES FOR NATIONAL CONVENTION  
DELEGATE

PEACE AND FREEDOM PARTY

Candidates  
preferring

Name

Address

Top of group

1	_____	_____
2	_____	_____
3	_____	_____
	etc.	etc.

Candidates expressing  
no preference  
(Name of chairperson)

Name

Address

Top of group

1	_____	_____
2	_____	_____
3	_____	_____
	etc.	etc.

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_,  
20\_\_.

(SEAL)

Secretary of State

SEC. 10. Section 10703 of the Elections Code is  
amended to read:



1 10703. (a) A special election to fill a vacancy in the  
2 office of Representative in Congress, State Senator, or  
3 Member of Assembly shall be conducted on ~~a Tuesday the~~  
4 *Saturday and Sunday of the first weekend of the month*  
5 *that is* at least 112 days, but not more than 119 days,  
6 following the issuance of an election proclamation by the  
7 Governor pursuant to Section 1773 of the Government  
8 Code, ~~except that any special election may be conducted~~  
9 ~~within 180 days following the proclamation in order that~~  
10 ~~the election or the primary election may be consolidated~~  
11 ~~with the next regularly scheduled statewide election or~~  
12 ~~local election occurring wholly or partially within the~~  
13 ~~same territory in which the vacancy exists, provided that~~  
14 ~~the voters eligible to vote in the local election comprise~~  
15 ~~at least 50 percent of all the voters eligible to vote on the~~  
16 ~~vacancy.~~

17 (b) In no event may a special election or a primary  
18 election be conducted on the day after a state holiday. *If*  
19 *the Saturday and Sunday of the first weekend of the*  
20 *month on which a statewide special election or statewide*  
21 *direct primary election would otherwise be held follows*  
22 *a state holiday, the statewide special election or statewide*  
23 *direct primary election shall be held on the Saturday and*  
24 *Sunday of the second weekend of the month.*

25 SEC. 11. Notwithstanding Section 17610 of the  
26 Government Code, if the Commission on State Mandates  
27 determines that this act contains costs mandated by the  
28 state, reimbursement to local agencies and school  
29 districts for those costs shall be made pursuant to Part 7  
30 (commencing with Section 17500) of Division 4 of Title  
31 2 of the Government Code. If the statewide cost of the  
32 claim for reimbursement does not exceed one million  
33 dollars (\$1,000,000), reimbursement shall be made from  
34 the State Mandates Claims Fund.

