

AMENDED IN ASSEMBLY MARCH 15, 1999

AMENDED IN SENATE JANUARY 26, 1999

SENATE BILL

No. 100

Introduced by Senator Burton

December 9, 1998

An act to amend Sections ~~13102, 13203, 14278~~, 15151, 15375, and 15500 ~~of~~ *of, to add Part 6 (commencing with Section 7900) to Division 7 of*, the Elections Code, relating to presidential primaries, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 100, as amended, Burton. ~~Presidential~~ *Political parties:* primaries: delegate returns.

Existing law provides that all properly registered voters may vote for their choice at any primary election for any candidate for each public office, regardless of political affiliation and without a declaration of political faith or allegiance. Existing law requires elections officials to send to the Secretary of State the election returns for all persons voted for at the presidential primary ~~for~~ *as* delegates to national conventions.

Existing law requires each voter to be furnished an official primary ballot at a primary election. Existing law requires the official primary ballot to contain the names of all candidates for nonpartisan and partisan offices and measures to be voted for at the primary election.

This bill would impose a state-mandated local program by requiring each voter *registered as affiliated with a political party* to be furnished an official ~~delegate political party district committee member~~ ballot in addition to the official primary ballot at a presidential primary election, *under certain conditions*. This bill would require ~~the official delegate that district committee member~~ ballot to contain the names of the candidates for ~~President to whom delegates of a political party are pledged~~ *district committee member of the Political party standing for election in a congressional district adjacent to the name of the political party candidates for President of the United States of America who selected them to attend the state convention of the political party*. ~~The bill would require each voter to be furnished the official delegate ballot that contains the names of candidates of the political party with which the voter is affiliated.~~ *These provisions would be operative until January 1, 2001. The bill also would make technical conforming changes to existing law.*

This bill would impose a state-mandated local program by requiring elections officials to report the results at the presidential primary for candidates for President to whom delegates of a political party are pledged according to the number of votes each candidate received from all voters and separately according to the number of votes each candidate received from voters affiliated with the same political party as the candidate. The bill would require the elections official to adopt procedures and tabulate the ballots separately.

Existing law requires the Secretary of State to compile the election returns for various public offices and measures and make those results immediately available to the public.

This bill would expressly require the Secretary of State to compile and make the election returns of the presidential primary reported by the elections officials available to any person or organization upon request.

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 no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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

Vote: ²/₃. 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 13102 of the Elections Code is~~
2 *SECTION 1. Part 6 (commencing with Section 7900)*
3 *is added to Division 7 of the Elections Code, to read:*

4
5 *PART 6. DISTRICT COMMITTEE MEMBERS*
6

7 *7900. (a) Notwithstanding any other provision of*
8 *law, the elections official shall prepare and furnish official*
9 *political party district committee member ballots to*
10 *registered voters of a political party pursuant to this*
11 *section if the state chairperson of the political party*
12 *notifies in writing the Secretary of State of the decision of*
13 *the political party to have those ballots provided to the*
14 *voters registered as affiliated with the political party. The*
15 *Secretary of State shall notify each elections official of the*
16 *request of the state chairperson of a political party within*
17 *five business days of receipt of the written notice. The*
18 *Secretary of State shall notify each elections official of the*
19 *requirements of this section within 15 days of the*
20 *effective date of this section.*

21 *(b) At a presidential primary election, each voter*
22 *registered as affiliated with a political party shall be*
23 *furnished an official political party district committee*
24 *member ballot in addition to the official primary ballot*
25 *provided pursuant to subdivision (b) of Section 13102.*
26 *The official political party district committee member*



1 ballot shall contain the names of the candidates for
2 district committee member of the political party standing
3 for election in a congressional district adjacent to the
4 name of the political party candidates for President of the
5 United States of America who selected them to attend the
6 state convention of the political party.

7 (c) Across the top of the ballot described in subdivision
8 (b) shall be printed, in boldface gothic capital type not
9 smaller than 30-point, the words "OFFICIAL BALLOT."
10 Below that line shall be printed, in boldface gothic capital
11 type not smaller than 30-point, the words "[Name of
12 political party] DISTRICT COMMITTEE MEMBER."
13 However, if the ballot is no wider than a single column,
14 the words "OFFICIAL BALLOT" may be as small as
15 24-point type. Beneath this heading, in the case of a
16 primary election, shall be printed in 18-point boldface
17 gothic capital type the words "DISTRICT COMMITTEE
18 MEMBER." Beneath the heading line or lines, there shall
19 be printed, in boldface type as large as the width of the
20 ballot makes possible, the numbers of the congressional,
21 Senate, and Assembly districts, the name of the county in
22 which the ballot is to be voted, and the date of the
23 election.

24 (d) The name of each candidate for political party
25 district committee member and the name of the
26 presidential candidate who selected him or her shall
27 appear in the same ballot section as, and immediately
28 preceding, the names of candidates for political party
29 county central committee.

30 (e) This section shall become inoperative on and after
31 January 1, 2001.

32 ~~amended to read:~~

33 ~~13102. (a) All voting shall be by ballot. There shall be~~
34 ~~provided, at each polling place, at each election at which~~
35 ~~public officers are to be voted for, one form of ballot for~~
36 ~~all candidates for public office, listing all candidates for~~
37 ~~public office, in accordance with subdivision (b).~~

38 ~~(b) At primary elections, each voter shall be furnished~~
39 ~~an official primary ballot. The official primary ballot shall~~
40 ~~contain the names of all candidates for nonpartisan and~~



1 ~~partisan offices and measures to be voted for at the~~
2 ~~primary election.~~

3 ~~(c) At a presidential primary election, each voter shall~~
4 ~~be furnished an official delegate ballot in addition to the~~
5 ~~official primary ballot provided pursuant to subdivision~~
6 ~~(b). The official delegate ballot shall contain the names~~
7 ~~of the candidates for President to whom delegates of a~~
8 ~~political party are pledged. Each voter shall be furnished~~
9 ~~the official delegate ballot that contains the names of~~
10 ~~candidates of the political party with which the voter is~~
11 ~~affiliated.~~

12 ~~SEC. 2. Section 13203 of the Elections Code is~~
13 ~~amended to read:~~

14 ~~13203. Across the top of the ballot shall be printed in~~
15 ~~heavy faced gothic capital type not smaller than 30 point,~~
16 ~~the words "OFFICIAL BALLOT." However, if the ballot~~
17 ~~is no wider than a single column, the words "OFFICIAL~~
18 ~~BALLOT" may be as small as 24 point. Beneath this~~
19 ~~heading, in the case of an official primary election, shall~~
20 ~~be printed in 18 point boldface gothic capital type the~~
21 ~~words "OFFICIAL PRIMARY BALLOT." Beneath the~~
22 ~~"OFFICIAL BALLOT" heading, in the case of an official~~
23 ~~delegate ballot, shall be printed in 18 point boldface~~
24 ~~gothic capital type the words "OFFICIAL DELEGATE~~
25 ~~BALLOT." Beneath the heading line or lines, there shall~~
26 ~~be printed, in boldface type as large as the width of the~~
27 ~~ballot makes possible, the number of the congressional,~~
28 ~~Senate, and Assembly district, the name of the county in~~
29 ~~which the ballot is to be voted, and the date of the~~
30 ~~election.~~

31 ~~SEC. 3. Section 14278 of the Elections Code is~~
32 ~~amended to read:~~

33 ~~14278. The precinct board shall give each voter a~~
34 ~~ballot, as provided in Section 13102.~~

35 ~~SEC. 4.—~~

36 ~~SEC. 2. Section 15151 of the Elections Code is~~
37 ~~amended to read:~~

38 ~~15151. (a) The elections official shall transmit the~~
39 ~~semifinal official results to the Secretary of State in the~~



1 manner and according to the schedule prescribed by the
2 Secretary of State prior to each election, for the following:

3 (1) All candidates voted for statewide office.

4 (2) All candidates voted for the following offices:

5 (A) State Assembly.

6 (B) State Senate.

7 (C) Member of the United States House of
8 Representatives.

9 (D) Member of the State Board of Equalization.

10 (E) Justice of the Court of Appeals.

11 (3) All persons voted for at the presidential primary or
12 for electors of President and Vice President of the United
13 States. The results at the presidential primary for
14 candidates for President to whom delegates of a political
15 party are pledged shall be reported according to the
16 number of votes each candidate received from all voters
17 and separately according to the number of votes each
18 candidate received from voters affiliated with the same
19 political party as the candidate. The elections official shall
20 adopt procedures required to tabulate the ballots
21 separately by party affiliation.

22 (4) Statewide ballot measures.

23 (5) *Political party district committee member elected*
24 *pursuant to Section 7900.*

25 (b) The elections official shall transmit the results to
26 the Secretary of State at intervals no greater than two
27 hours, following commencement of the semifinal official
28 canvass.

29 ~~SEC. 5.—~~

30 *SEC. 3.* Section 15375 of the Elections Code is
31 amended to read:

32 15375. The elections official shall send to the
33 Secretary of State within 35 days of the election in the
34 manner requested one complete copy of all results as to
35 all of the following:

36 (a) All candidates voted for statewide office.

37 (b) All candidates voted for the following offices:

38 (1) Member of the Assembly.

39 (2) Member of the Senate.



1 (3) Member of the United States House of
2 Representatives.

3 (4) Member of the State Board of Equalization.

4 (5) Justice of the Courts of Appeal.

5 (6) Judge of the Superior Court.

6 (7) Judge of the Municipal Court.

7 (c) All persons voted for at the presidential primary.
8 The results for all persons voted for at the presidential
9 primary for delegates to national conventions shall be
10 canvassed and shall be sent within 20 days after the
11 election. The results at the presidential primary for
12 candidates for President to whom delegates of a political
13 party are pledged shall be reported according to the
14 number of votes each candidate received from all voters
15 and separately according to the number of votes each
16 candidate received from voters affiliated with the same
17 political party as the candidate.

18 (d) The vote given for persons for electors of President
19 and Vice President of the United States. The results for
20 presidential electors shall be endorsed "Presidential
21 Election Returns," and sent so that they are received by
22 the Secretary of State not later than the first Monday in
23 the month following the election.

24 (e) All statewide measures.

25 (f) *Political party district committee members elected*
26 *pursuant to Section 7900.*

27 ~~SEC. 6.—~~

28 *SEC. 4.* Section 15500 of the Elections Code is
29 amended to read:

30 15500. The Secretary of State, commencing with the
31 first results from the semifinal official canvass received
32 from the elections officials, shall compile the results for
33 the offices and measures listed in Section 15151, which
34 compilation shall be continued without adjournment
35 until completed. The Secretary of State shall immediately
36 make public the results of the compilation as to those
37 offices and measures. The Secretary of State also shall
38 compile and make those results reported pursuant to
39 subdivision (c) of Section 15375 available to any person or
40 organization upon request.



1 ~~SEC. 7.—~~

2 *SEC. 5. (a) The validity of any provision of this act*
3 *only may be challenged by the filing with the California*
4 *Supreme Court of a writ within 30 calendar days after this*
5 *act is enacted and becomes effective.*

6 *(b) The California Supreme Court shall issue its*
7 *decision on the writ no later than 45 calendar days after*
8 *it is filed with the court.*

9 *(c) The provisions of this act are severable. If any*
10 *provisions of this act or its application is held invalid, that*
11 *invalidity shall not affect other provisions or applications*
12 *that can be given effect without the invalid provisions or*
13 *application.*

14 *SEC. 6. No reimbursement shall be made from the*
15 *State Mandates Claims Fund pursuant to Part 7*
16 *(commencing with Section 17500) of Division 4 of Title*
17 *2 of the Government Code for costs mandated by the*
18 *state pursuant to this act. It is recognized, however, that*
19 *a local agency or school district may pursue any remedies*
20 *to obtain reimbursement available to it under Part 7*
21 *(commencing with Section 17500) and any other*
22 *provisions of law.*

23 ~~SEC. 8.—~~

24 *SEC. 7. This act is an urgency statute necessary for the*
25 *immediate preservation of the public peace, health, or*
26 *safety within the meaning of Article IV of the*
27 *Constitution and shall go into immediate effect. The facts*
28 *constituting the necessity are:*

29 *In order to permit elections officials and the Secretary*
30 *of State to organize the ballot tabulation changes*
31 *required under this bill for the 2000 presidential primary,*
32 *it is necessary that this act take effect immediately.*

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