

Introduced by Senator Lara

February 17, 2017

An act to amend ~~Section 2151~~ Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 568, as amended, Lara. Primary elections: ~~voter registration.~~
~~election date.~~

Existing law requires that the presidential primary be held on the first Tuesday after the first Monday in June in any year that is evenly divisible by the number 4, and requires that the presidential primary be consolidated with the statewide direct primary held in that year.

This bill would change the date of the presidential primary to either (1) the 3rd Tuesday in March, or (2) a date selected by the Governor that is before the 3rd Tuesday in March, provided that the Governor issues a proclamation calling the election at least 240 days before the date the Governor selects. The bill would also make conforming changes.

~~Existing law permits an elector, when registering to vote, to disclose the name of the political party he or she prefers. Existing law also permits an elector to decline to disclose a political party preference, but prohibits him or her from voting the ballot of a political party at a primary election for President of the United States or for a party committee, unless such an elector is permitted to do so by the political party, as specified. Existing law permits an elector to change his or her political preference by filing a new affidavit of registration.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

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

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

1 *SECTION 1. Section 316 of the Elections Code is amended to*
2 *read:*

3 316. “Direct primary” is the primary election held on *either*
4 the first Tuesday after the first Monday in June in ~~each an~~
5 even-numbered ~~year, year that is not evenly divisible by the number~~
6 four, or on a date described in Section 340 in a year that is evenly
7 divisible by the number four, to nominate candidates to be voted
8 for at the ensuing general election or to elect members of a party
9 central committee.

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

11 340. “Presidential primary” is the primary election that is held
12 ~~on the first Tuesday after the first Monday in June~~ in any year that
13 is evenly divisible by the number four, and at which delegations
14 to national party conventions are to be chosen. *The presidential*
15 *primary shall be held on either of the following dates:*

16 (a) *The third Tuesday in March.*

17 (b) *A date selected by the Governor that is before the third*
18 *Tuesday in March, provided that the Governor issues a*
19 *proclamation calling the election at least 240 days before the date*
20 *the Governor selects.*

21 *SEC. 3. Section 1000 of the Elections Code is amended to read:*

22 1000. The established election dates are as follows:

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

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

26 (c) The first Tuesday after the first Monday in June in each year.

27 (d) The first Tuesday after the first Monday in November of
28 each year.

29 (e) *In a year that is evenly divisible by the number four, either*
30 *of the following dates:*

31 (1) *The third Tuesday in March.*

32 (2) *A date selected by the Governor that is before the third*
33 *Tuesday in March, provided that the Governor issues a*

1 proclamation calling the election at least 240 days before the date
2 the Governor selects.

3 SEC. 4. Section 1001 of the Elections Code is amended to read:

4 1001. Elections held in June and November of each
5 even-numbered year. The following are statewide elections and the
6 their dates of those elections are statewide election dates. dates:

7 (a) An election held in November of an even-numbered year.

8 (b) An election held in June of an even-numbered year that is
9 not evenly divisible by the number four.

10 (c) An election held on a date set pursuant to Section 1202.

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

12 1201. The statewide direct primary shall be held on either the
13 first Tuesday after the first Monday in June of each an
14 even-numbered year. year that is not evenly divisible by the number
15 four, or on a date set pursuant to Section 1202 in a year that is
16 evenly divisible by the number four.

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

18 1202. The presidential primary shall be held on the first
19 Tuesday after the first Monday in June in any year that is evenly
20 divisible by the number four, and shall be consolidated with the
21 statewide direct primary held in that year. year, and shall be held
22 in any year that is evenly divisible by the number four on either
23 of the following dates:

24 (a) The third Tuesday in March.

25 (b) A date selected by the Governor that is before the third
26 Tuesday in March, provided that the Governor issues a
27 proclamation calling the election at least 240 days before the date
28 the Governor selects.

29 SECTION 1. Section 2151 of the Elections Code is amended
30 to read:

31 2151. (a) At the time of registering and of transferring
32 registration, an elector may disclose the name of the political party
33 that he or she prefers. The name of that political party shall be
34 stated in the affidavit of registration and the index.

35 (b) (1) The voter registration card shall inform the affiant that
36 an elector may decline to disclose a political party preference, but
37 a person shall not be entitled to vote the ballot of a political party
38 at a primary election for President of the United States or for a
39 party committee unless he or she has disclosed the name of the
40 party that he or she prefers or unless he or she has declined to

1 ~~disclose a party preference and the political party, by party rule~~
2 ~~duly noticed to the Secretary of State, authorizes a person who has~~
3 ~~declined to disclose a party preference to vote the ballot of that~~
4 ~~political party. The voter registration card shall further inform the~~
5 ~~affiant that a registered voter may vote for any candidate at a~~
6 ~~primary election for state elective office or congressional office,~~
7 ~~regardless of the disclosed party preference of the registrant or the~~
8 ~~candidate seeking that office or the refusal of the registrant or~~
9 ~~candidate to disclose a party preference.~~

10 ~~(2) The voter registration card shall include a listing of all~~
11 ~~qualified political parties. As part of that listing, the voter~~
12 ~~registration card shall also contain an option that permits the affiant~~
13 ~~to decline to disclose a party preference. This option shall be placed~~
14 ~~at the end of the listing of qualified political parties.~~

15 ~~(e) A person shall not be permitted to vote the ballot of a party~~
16 ~~or for delegates to the convention of a party other than the party~~
17 ~~disclosed as preferred in his or her registration, except as provided~~
18 ~~by Section 2152 or unless he or she has declined to disclose a party~~
19 ~~preference and the party, by party rule duly noticed to the Secretary~~
20 ~~of State, authorizes a person who has declined to disclose a party~~
21 ~~preference to vote the party ballot or for delegates to the party~~
22 ~~convention.~~

23 ~~(d) As of the effective date of the statute that added this~~
24 ~~subdivision, a voter who previously stated a political party~~
25 ~~affiliation when registering to vote shall be deemed to have~~
26 ~~disclosed that same party as his or her political party preference~~
27 ~~unless the voter files a new affidavit of registration disclosing a~~
28 ~~different political party preference or no political party preference.~~
29 ~~A voter who previously declined to state a party affiliation shall~~
30 ~~be deemed to have declined to disclose a party preference unless~~
31 ~~the voter files a new affidavit of registration disclosing a different~~
32 ~~political party preference.~~

33 ~~(e) The Secretary of State may continue to supply existing~~
34 ~~affidavits of registration prior to printing new or revised forms~~
35 ~~that reflect the changes required pursuant to any amendment made~~
36 ~~to this section.~~