



**To:** RCRC Board of Directors  
**From:** Paul A. Smith, Vice President Governmental Affairs  
**Date:** April 17, 2017  
**Re:** Assembly Bill 84 (Mullin)/Senate Bill 568 (Lara) – Presidential Primary Dates – **ACTION**

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### **Summary**

This memo provides an analysis of Assembly Bill 84 (Mullin) and Senate Bill 568 (Lara) which would change the date for the Presidential Primary Election and place this election in the month of March. RCRC staff is recommending that the Board of Directors adopt an “Oppose” position on both of these measures.

### **Background**

Prior to 1996, California’s Presidential Primary Election was held on the first Tuesday after the first Monday in June. This election date also served as the Direct Primary for a number of other offices (House of Representatives, members of the Legislature, County Supervisors, etc.). With the enactment of Assembly Bill 2196 (Costa) in 1993, the Presidential Primary Election was moved to the fourth Tuesday in the month of March for the 1996 Presidential Primary. This date also served as the Direct Primary Election for the House of Representatives, members of the Legislature, and County Supervisors, as well as for the consideration of statewide ballot measures (local governments were allowed to prepare ballot items for their respective local jurisdictions).

Prior to the 2000 Primary, the Legislature enacted Senate Bill 1999 (Costa) which set the date for all future Presidential Primaries for the first Tuesday in March. This date also served as the Direct Primary Election for the House of Representatives, members of the Legislature, and County Supervisors, as well as for the consideration of statewide ballot measures. Thus, California’s Presidential Primary was held on the first Tuesday in March for both the 2000 Presidential Primary and the 2004 Presidential Primary.

Because so many other states leap-frogged over California and established Presidential Primary dates before the first Tuesday in March, the Legislature enacted Senate Bill 113 (Calderon) in 2007. This measure established the Presidential Primary for the first Tuesday in February; however, it retained the traditional June date for all other offices subject to the Direct Primary election. As such, counties conducted three statewide elections in 2008 – the Presidential Primary in February, the Direct Primary in June, and the General Election in November.

Citing dismal election turnout for the June Primary, as well as the cost of having three separate statewide elections in presidential election years, the Legislature enacted Assembly Bill 80 (Fong) in 2011 which returned the statewide primary to the first Tuesday after the first Monday in June. This was the date for both the 2012 and 2016 Primaries.

Last year, the Legislature enacted Senate Bill 450 (Allen and Hertzberg), which authorizes counties to conduct any and all elections as an all-mail ballot election. Specifically, SB 450 would permit at the discretion of the Board of Supervisors the following RCRC-member counties after January 1, 2018 to conduct any election as an all-mailed ballot election: Calaveras, Inyo, Madera, Napa, Nevada, San Luis Obispo, Shasta, Sutter and Tuolumne. In 2020, all other counties could utilize this option, with the exception of Los Angeles County. To be eligible to utilize this all-mail voting option, counties must meet prescribed conditions.

### **Issue**

Assembly Bill 84, authored by Assembly Member Kevin Mullin (D-San Mateo), proposes to permanently have the Presidential Primary Election on the first Tuesday after the first Monday in March.

In addition, Senate Bill 568, authored by Senator Ricardo Lara (D-Long Beach), proposes to permanently have the Presidential Primary Election on either the third Tuesday in March, or a date, as determined by the Governor, which is earlier than the third Tuesday in March.

Both bills utilize this election date to serve as the Direct Primary for the House of Representatives, members of the Legislature, and County Supervisors, as well as for the consideration of statewide ballot measures that were placed on the ballot by the Legislature (initiative measures are deemed for the General Election ballot).

### **Staff Recommendation**

RCRC staff recommends the Board of Directors adopt an “Oppose” position for both AB 84 and SB 568. Both bills have the effect of permanently creating two different calendars for the election of County Supervisors. One set of county supervisorial candidates would face a primary in early March, while the other set faces an early June primary election. Furthermore, for those incumbents facing a March date and who have experienced defeat (not receiving 50 percent plus one), they would have nearly a year in office where they would serve as a lame-duck.

Furthermore, with the enactment of SB 450, counties are undergoing dramatic changes in the way elections are administered. RCRC staff argues it would be prudent to witness the effect of these changes before altering the calendar of when elections are slated.

### **Attachments**

- Copy of AB 84 (Mullin)
- Copy of SB 568 (Lara)
- Historical Voter Participation Chart