

Senate Constitutional Amendment No. 18

RESOLUTION CHAPTER 103

Senate Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article II thereof, and by adding Section 9 to Article III thereof, relating to state government.

[Filed with Secretary of State June 24, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SCA 18, Johnson. Primary elections: surplus state property.

(1) The California Constitution requires the Legislature to provide for primary elections for partisan offices, including an open presidential primary.

This measure would state that a political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

(2) The Economic Recovery Bond Act authorizes the issuance of bonds to finance the accumulated state budget deficit, as defined. There is in the General Fund the Special Fund for Economic Uncertainties that represents a reserve fund required by the California Constitution.

This measure would require that the proceeds from the sale of surplus state property, with specified exceptions, be used to pay the principal and interest on bonds issued as described above, and, once the principal and interest on those bonds are fully paid, would require that the proceeds from the sale of surplus state property be deposited in the Special Fund for Economic Uncertainties.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 2003–04 Regular Session commencing on the second day of December 2002, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 5 of Article II thereof is amended to read:

SEC. 5. (a) The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names



are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit of noncandidacy.

(b) A political party that participated in a primary election for a partisan office has the right to participate in the general election for that office and shall not be denied the ability to place on the general election ballot the candidate who received, at the primary election, the highest vote among that party's candidates.

Second—That Section 9 is added to Article III thereof, to read:

SEC. 9. The proceeds from the sale of surplus state property occurring on or after the effective date of this section, and any proceeds from the previous sale of surplus state property that have not been expended or encumbered as of that date, shall be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act authorized at the March 2, 2004, statewide primary election. Once the principal and interest on those bonds are fully paid, the proceeds from the sale of surplus state property shall be deposited into the Special Fund for Economic Uncertainties, or any successor fund. For purposes of this section, surplus state property does not include property purchased with revenues described in Article XIX or any other special fund moneys.

