

Assembly Bill No. 1689

CHAPTER 190

An act to amend Sections 6002, 6003, 6020, 6023, 6024, 6041, 6042, 6080, 6082, 6101, 6105, 6108, 6122, 6145, 6160, 6180, 6240, 6241, and 6950 of, to repeal Sections 6004, 6005, 6021, 6086, 6087, and 6100 of, to add and repeal Section 7110 of, and to repeal Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code, relating to elections.

[Approved by Governor August 27, 2010. Filed with
Secretary of State August 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1689, Torres. Elections: Democratic Party.

Existing law, the Alquist Open Presidential Primary Act, specifies procedures for the selection of delegates and alternates to represent the state at the national convention of the Democratic Party to nominate a candidate for President of the United States. Under the act, participation in the delegate selection process is restricted to Democratic voters only who publicly declare their party preference as Democratic supporters and whose affidavits of registration declare the Democratic Party as their party affiliation. The delegates are required to be selected from each congressional district based on a specified formula.

This bill would generally require that the elements and practices to select delegates and alternates be the same as set forth in the standing rules and bylaws of the Democratic National Committee and the Democratic Party of California. The bill would expand participation in the delegate selection process to a voter who declined to state a party affiliation but requested to vote the ballot of the Democratic Party at the partisan primary election and would, instead, require that the delegates and alternates be selected from districts based on a formula adopted by the Democratic Party of California in compliance with the standing rules and bylaws of the Democratic National Committee. The bill would also revise timeframes for certain procedures of the Secretary of State relating to presidential primary elections.

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

SECTION 1. Section 6002 of the Elections Code is amended to read:

6002. (a) This chapter applies both to the selection of delegates and alternates pledged to the candidacy of a particular candidate and to the selection of delegates and alternates not expressing a preference for a particular candidate.

(b) Except as otherwise specified in this chapter, the elements and practices to select delegates and alternates shall be the same as set forth in the standing rules and bylaws of the Democratic National Committee and the Democratic Party of California, including the following:

(1) The form and timeline for any required statement of candidacy for delegate candidates.

(2) The identification of the presidential preference of delegate candidates.

(3) The schedule for, conduct of, and type of districts used to organize, caucuses for the selection of district delegate and alternate candidates.

(4) The selection of delegates and alternates other than those elected based on the results of district caucuses.

(5) The allocation of delegates and alternates to presidential preferences based on the results of the primary election.

(6) Any other goals relating to the composition of the delegation.

(c) The Democratic Party of California shall post any standing rules and bylaws relating to this chapter on its Internet Web site.

SEC. 2. Section 6003 of the Elections Code is amended to read:

6003. Participation in the delegate selection process in primaries shall be restricted to voters whose affidavits of registration declare the Democratic Party as their party affiliation and any other voter authorized under subdivision (c) of Section 13102.

SEC. 3. Section 6004 of the Elections Code is repealed.

SEC. 4. Section 6005 of the Elections Code is repealed.

SEC. 5. Section 6020 of the Elections Code is amended to read:

6020. (a) The Chairperson of the Democratic State Central Committee shall notify the Secretary of State on or before the 120th day preceding the presidential primary as to the number of delegates and alternates to represent the state in the next national convention of the Democratic Party.

(b) The chairperson shall also notify the Secretary of State at the time prescribed in subdivision (a) as to the type of districts that may be used to select delegates and the number of delegates that may be selected from each district in connection with the presidential primary. The number of delegates and alternates that may be selected from each district shall be based on a formula adopted by the Democratic Party of California in compliance with the standing rules and bylaws of the Democratic National Committee for the national convention where the nominee of the Democratic Party for President of the United States will be selected.

SEC. 6. Section 6021 of the Elections Code is repealed.

SEC. 7. Section 6023 of the Elections Code is amended to read:

6023. The notification of the number of delegates and alternate delegates shall be in substantially the following form:

Statement of Number of Delegates and Alternate Delegates to Democratic National Convention and of Number of Delegates and Alternate Delegates to Be Selected from ____ Districts

To the Secretary of State
Sacramento, California

You are hereby notified that the number of delegates and alternate delegates to represent the State of California in the next national convention of the Democratic Party is ____.

You are hereby notified that the number of delegates which may be selected from all ____ districts as a part of the delegation to the national convention of the Democratic Party is as follows:

- District No. 1. __ delegates __ alternates.
 - District No. 2. __ delegates __ alternates.
 - District No. 3. __ delegates __ alternates.
- (Followed by the remaining districts).

You are hereby notified that the categories and number of delegates, other than those selected by ____ districts, are as follows:

- Category ____ Delegates. ____ Alternates.
- (Followed by the remaining categories and number of delegates and alternates).

Dated this ____ day of ____, 20__.

Chairperson of the State Central Committee of the
Democratic Party.

SEC. 8. Section 6024 of the Elections Code is amended to read:

6024. If the Chairperson of the Democratic State Central Committee fails to file the notice required by Section 6020 with the Secretary of State, the Secretary of State shall ascertain the total number of delegates from the call for the national convention issued by the Democratic National Committee and shall compute the number of delegates that may be selected from each district based on a formula specified by the Democratic National Committee.

SEC. 9. Section 6041 of the Elections Code is amended to read:

6041. The Secretary of State shall place the name of a candidate upon the presidential primary ballot when he or she has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States. The Secretary of State shall include as criteria for selecting candidates the fact of qualifying for funding under the Federal Elections Campaign Act of 1974, as amended.

Between the 150th day and the 68th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the

news media for publication a list of the selected candidates that he or she intends to place on the ballot at the following presidential primary election.

SEC. 10. Section 6042 of the Elections Code is amended to read:

6042. When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Section 6041, he or she shall notify the candidate that the candidate’s name will appear on the ballot of this state in the presidential primary election.

The secretary shall also notify the candidate that the candidate may withdraw his or her name from the list of recognized candidates by filing with the Secretary of State an affidavit pursuant to Section 6043 no later than the 68th day before the presidential primary election.

SEC. 11. Section 6080 of the Elections Code is amended to read:

6080. Each candidate who seeks to qualify under Article 4 (commencing with Section 6060) and each group proposing an uncommitted delegation shall appoint a steering committee of seven members and shall appoint one of the members to serve as the chairperson.

SEC. 12. Section 6082 of the Elections Code is amended to read:

6082. Each steering committee shall be responsible for the circulation of nomination papers of candidates who seek to qualify under Article 4 (commencing with Section 6060) and groups proposing uncommitted delegations.

SEC. 13. Section 6086 of the Elections Code is repealed.

SEC. 14. Section 6087 of the Elections Code is repealed.

SEC. 15. Section 6100 of the Elections Code is repealed.

SEC. 16. Section 6101 of the Elections Code is amended to read:

6101. Nomination papers to be circulated pursuant to Section 6061 shall be prepared, circulated, signed, and verified and shall be left for examination with the county elections official of the county in which they are circulated at least 73 days prior to the presidential primary election.

SEC. 17. Section 6105 of the Elections Code is amended to read:

6105. Any nomination paper may be presented in sections. Each section shall contain the name of the candidate or chairperson of the steering committee in the case of uncommitted delegations. Each section shall bear the name of the county in which it is circulated. Only voters of the county whose affidavits of registration declare the Democratic Party as their party affiliation are competent to sign.

SEC. 18. Section 6108 of the Elections Code is amended to read:

6108. The nomination paper for the presidential primary ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF A PRESIDENTIAL CANDIDATE OR
UNCOMMITTED DELEGATE

Section ____ Page _

County of _____. Nomination paper of a candidate or uncommitted delegation for the presidential primary ballot.

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 Democratic Party. I hereby nominate _____ for the presidential primary to be held on the _____ day of _____, 20___. I have not signed the nomination paper of any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate or uncommitted delegation named herein.

Number	Signature	Printed name	Residence
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
etc.	_____	_____	_____

CIRCULATOR’S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of a candidate or uncommitted delegation for the presidential primary ballot named in the signer’s statement above; that all the signatures on this section of the nomination paper numbered from 1 to ___, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. The signatures were obtained between _____, 20__, and _____, 20__.

(Signed) _____
Circulator

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL) _____
Notary Public (or other official)

SEC. 19. Section 6122 of the Elections Code is amended to read:
6122. Circulators may obtain signatures to the nomination paper for which they were appointed at any time between the period of 130 days and 73 days, inclusive, prior to the presidential primary election.

SEC. 20. Section 6145 of the Elections Code is amended to read:
6145. The county elections official’s certificate to nomination papers shall be in substantially the following form:

Certificate of County Elections Official to Nomination Papers

To the Secretary of State:

I, Elections Official of the County of _____, hereby certify that I have examined the nomination papers to which this certificate is attached, of the candidate or uncommitted delegation, as the case may be, for purposes of qualifying for placement on the ballot at the ensuing presidential primary, that the number of names which I have not marked “not sufficient” is _____.

Dated this _____ day of _____, 20__.

_____, County Elections Official

(SEAL)

By _____, Deputy

SEC. 21. Section 6160 of the Elections Code is amended to read:

6160. At least 68 days before a presidential primary, the Secretary of State shall notify each steering committee whether or not it has qualified a candidate or uncommitted delegation for placement on the ballot pursuant to Section 6060.

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

6180. At least 68 days before a presidential primary election, the Secretary of State shall transmit to each county elections official a certified list containing the name of each candidate who is entitled to be voted for on the ballot at the presidential primary, and the name of each chairperson of a steering committee of an uncommitted delegation who is to be voted for on the same ballot.

The certified list shall be in substantially the following form:

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 of _____, 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. 23. Article 11 (commencing with Section 6200) of Chapter 1 of Part 1 of Division 6 of the Elections Code is repealed.

SEC. 24. Section 6240 of the Elections Code is amended to read:

6240. Notwithstanding any other provision of law, a space shall be provided on the presidential primary ballot for a voter to write in the name of a candidate for nomination by the Democratic Party for President of the United States.

SEC. 25. Section 6241 of the Elections Code is amended to read:

6241. Any person who believes his or her name may be used as a write-in candidate for nomination by the Democratic Party for President of the United States shall, not later than 21 days before the primary election, file for endorsement of his or her write-in candidacy with the Secretary of State, or no votes shall be counted for him or her.

SEC. 26. Section 6950 of the Elections Code is amended to read:

6950. Within three days of receiving the names of delegate candidates from the chairpersons of the steering committees the Secretary of State shall transmit to each elections official a certified list, for each congressional district wholly or partially within that county, containing the names of the delegate candidates selected and pledged to each candidate or uncommitted delegation who is entitled to be voted for on the ballot at the presidential primary.

The certified list shall be in substantially the following form:

Certified List of Delegate Candidates
In the ____ Congressional District

To the County Elections Official of ____ County:

I, ____, Secretary of State, do hereby certify that the following persons, listed beneath the name of the presidential candidate or uncommitted delegation they are pledged to, are the delegate candidates who will represent the voters of this congressional district at the ____ Democratic National Convention to the extent, based on his or her proportional share of the total votes for president in this district, that each presidential candidate or uncommitted delegation is entitled to delegates from this district.

List of Delegates Pledged to Presidential
Candidates and Uncommitted Delegations
In the ____ Congressional District

Delegates Pledged to
Rosaly Lever

Delegates Pledged to
Janice Atkinson

Deborah Seiler
Elaine Ginnold
George Mann
Darren Chesin
Delegates Pledged to
Christopher Zirkle

John Mott-Smith
Rosa Garcia-Viteri
Bruce Bolinger
Mary DeLost
Delegates Pledged to
Unpledged Delegation,
James Ashford, Chairperson

Mark Terry
Romulo Lopez
Linda M. Gonzalez
Joe Ayala
Lori Joseph

Abra Reynaga
Sylvia Cheng
Michael Ognisty
Bill Pitts
Lynne Chinn

Dated at Sacramento, California, this _____ day of
_____, 20__.

Secretary of State

(SEAL)

SEC. 27. Section 7110 is added to the Elections Code, to read:

7110. (a) Notwithstanding Section 8148, if the Democratic National Convention will conclude after the deadline for the Secretary of State to deliver certificates of nomination to local elections officials pursuant to Section 8148, the Chairperson of the Democratic State Central Committee shall do one of the following:

(1) Notify the Secretary of State of the apparent nomination of the Democratic candidates for President and Vice President of the United States not less than 78 days prior to the election, if all of the following conditions apply:

(A) A candidate for President has attained a sufficient number of delegate votes to assure his or her nomination at the Democratic National Convention.

(B) The candidate described in subparagraph (A) has identified a person who will be nominated to run for the office of Vice President.

(C) The Democratic National Convention is likely to nominate the person who is the choice of the candidate for President in the Vice Presidential nomination.

(2) Notify the Secretary of State of the apparent nomination of the Democratic candidates for President and Vice President of the United States as soon as each of these apparent nominations become known but not less than 61 days prior to the election, if all of the following conditions apply:

(A) A candidate for President has attained a sufficient number of delegate votes to assure his or her nomination at the Democratic National Convention.

(B) The candidate described in subparagraph (A) has identified a person who will be nominated to run for the office of Vice President.

(C) The Democratic National Convention is likely to nominate the person who is the choice of the candidate for President in the Vice Presidential nomination.

(b) The Secretary of State shall prepare the certificates of nomination required in Section 8148 to include the names of the Democratic candidates for President and Vice President as notified by the Chairperson of the Democratic State Central Committee.

(c) This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.