

Senate Bill No. 1272

Passed the Senate August 30, 2012

Secretary of the Senate

Passed the Assembly August 27, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 7206, 7225, 7226, 7228, 7242, 7404, 7420, 7421, 7423, 7443, 7643, 7652, 7670, 7671, 7673, 7680, 7692, 7750, 7751, 7770, 7771, 7772, 7772.1, 7780, 7800, 7840, 7850, 7857, 7882, 8001, and 8020 of, and to add Sections 7230, 7425, 7675, and 7784 to, the Elections Code, relating to political party organization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, Kehoe. Political party organization: county central committees.

Existing law establishes the political party organizations of the Democratic Party of California, the California Republican Party, the American Independent Party of California, and the Peace and Freedom Party of California. Existing law requires the members of a county central committee of each of those parties be elected in each county at every statewide direct primary election.

This bill would delete the requirement that those members be elected at every statewide direct primary election and instead would permit those members to be elected at every presidential primary election.

This bill would specify that a county central committee of any of those parties, in accordance with specified rules and regulations, may select its members at any time by holding a caucus or convention, or by using any other approved method of selection.

If a county elections official finds that the number of candidates nominated for a political party's county central committee does not exceed the number to be elected, existing law requires that the designation of the office and the names of the candidates not be printed on the party's ballot, unless a petition is filed indicating that a write-in campaign will be conducted for the office. In lieu thereof, existing law requires the county board of supervisors to declare elected those candidates who have been nominated, and states that those candidates are entitled to receive certificates of election in the same manner as other candidates elected to the committee.

This bill would delete the exception for petitions indicating a write-in campaign will be conducted and would delete the provision relating to candidates' entitlements to receive certificates of election.

Existing law requires that a candidate for membership on a county central committee must be affiliated with the political party of that committee for not less than 3 months immediately prior to presenting his or her declaration of candidacy, and requires that the candidate must not have been affiliated with any other political party within 12 months prior to filing a declaration of candidacy.

This bill would permit a county central committee to establish the length of time that a candidate for membership on the committee must be affiliated with the party of that committee, or must not have been affiliated with any other political party.

Existing law requires a candidate for membership on a county central committee to file nomination forms, as specified. Existing law requires that the nomination forms be made available on the 113th day prior to a direct primary election and be delivered no later than 5:00 p.m. on the 88th day prior to the direct primary election.

This bill would instead require that the nomination forms for candidates for county central committees be available 158 days prior to the primary election.

This bill would provide that its provisions are severable.

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

SECTION 1. Section 7206 of the Elections Code is amended to read:

7206. In each county the nominee of this party for Senator or the incumbent Senator, the nominees of this party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house, and the nominee of this party for Representative in Congress, and any person elected at a special election to fill a vacancy in the House of Representatives, shall be ex officio members of this committee. If the person elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives, shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately

upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next presidential primary.

SEC. 2. Section 7225 of the Elections Code is amended to read:

7225. At every presidential primary election, a county central committee may be elected in each county.

SEC. 3. Section 7226 of the Elections Code is amended to read:

7226. The elections official, no later than January 31 preceding the presidential primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

SEC. 4. Section 7228 of the Elections Code is amended to read:

7228. If the elections official, on the 73rd day prior to the presidential primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated.

SEC. 5. Section 7230 is added to the Elections Code, to read:

7230. Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

SEC. 6. Section 7242 of the Elections Code is amended to read:

7242. The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding presidential primary, or the selection pursuant to Section 7230, and qualification of the members of the new committees.

SEC. 7. Section 7404 of the Elections Code is amended to read:

7404. (a) In each county, the nominee of the party for State Senator, the nominees of the party for the Assembly, and any

person nominated to either the Senate or Assembly at a special election to fill a vacancy in the house, and the nominee of the party for Representative in Congress shall be ex officio members of this committee. If the person most recently nominated or elected from one party at the special election for an Assembly or Senate seat, or for the House of Representatives shall be other than the nominee of that party for the same office at the earlier election, the ex officio membership of the latter nominee shall expire immediately upon certification by the Secretary of State of the nomination or, if there is no runoff, the election of the person most recently nominated or elected. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next presidential primary. A person shall be entitled to ex officio membership upon receiving a certificate of nomination from the Secretary of State pursuant to Section 8147, at which time the term of the former nominee shall expire.

(b) If the person most recently nominated to the Senate, Assembly, or House of Representatives received fewer votes for the particular office at the ensuing general election than a write-in candidate for the same office, and the write-in candidate is elected to that office, the write-in candidate shall, for purposes of this part, be considered the ex officio member of each affected county, provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least six months prior to the general election.

(c) If a write-in candidate is entitled to ex officio membership on each affected county central committee pursuant to subdivision (b), each affected county central committee shall designate the party nominee described in subdivision (b) as an additional ex officio member to its committee. Any person designated as an ex officio member under this subdivision shall be entitled to all the rights and privileges as other ex officio members of the committee.

SEC. 8. Section 7420 of the Elections Code is amended to read:

7420. (a) At every presidential primary election, a member may be elected to a county central committee to replace a member whose term is expiring.

(b) When district boundaries are redrawn and districts are renumbered in accordance with the decennial census, a member of a county central committee may run for election in a newly numbered district at the next election even though his or her current term of office has not expired. If a person is elected in the newly numbered district and takes the oath of office, the person is deemed to have resigned from his or her previous district office at that time.

SEC. 9. Section 7421 of the Elections Code is amended to read:

7421. The elections official, no later than January 31 preceding the presidential primary, shall compute the number of members of the committee allotted to each Assembly district or supervisor district, as the case may be, pursuant to this article.

SEC. 10. Section 7423 of the Elections Code is amended to read:

7423. If the elections official, on the 73rd day prior to the presidential primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated.

SEC. 11. Section 7425 is added to the Elections Code, to read:

7425. (a) Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee, may determine the number, the district allocation, and the manner of election of its members at any time by holding a caucus or convention, or by using any other method approved by the committee.

(b) Nothing in this section shall be construed to permit a county central committee to remove an ex officio member of the committee.

SEC. 12. Section 7443 of the Elections Code is amended to read:

7443. The committees shall perform any other duties and services for this political party as seem to be for the benefit of the party. Members of a county central committee may serve after the expiration date of their terms until the election, or the selection

pursuant to Section 7425, and qualification of the new members replacing them on the county central committees.

SEC. 13. Section 7643 of the Elections Code is amended to read:

7643. This committee shall conduct party campaigns for this party and in behalf of the candidates of this party. It shall appoint committees and appoint and employ campaign directors and perfect whatever campaign organizations it deems suitable or desirable and for the best interest of the party.

This committee shall have power to appoint interim county central committees in all counties in which the voters have not elected one or more county central committee members in the presidential primary preceding the organization of this committee. Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required by Chapter 4 (commencing with Section 7650) for appointees to fill vacancies on county central committees. Notice of all appointments pursuant to this section shall be filed by the state central committee with the elections official of the county for which that interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all of the powers and privileges afforded county central committees by the provisions of Chapter 4 (commencing with Section 7650), but members of interim county central committees shall not be designated as incumbents on the ballot in the succeeding primary election.

SEC. 14. Section 7652 of the Elections Code is amended to read:

7652. The incumbent or nominee of each of the following offices shall be an ex officio member of the committee in the county in which he or she resides:

- (a) Governor.
- (b) Lieutenant Governor.
- (c) Secretary of State.
- (d) Controller.
- (e) Treasurer.
- (f) Attorney General.
- (g) Member of the State Board of Equalization.
- (h) United States Senator from California.
- (i) Representative in Congress from California.

(j) All Members of the Legislature.

(k) Any person nominated to a partisan office at a special election to fill a vacancy in that office.

Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of this committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election to this committee in the next presidential primary.

SEC. 15. Section 7670 of the Elections Code is amended to read:

7670. At every presidential primary election, a county central committee may be elected in each county.

SEC. 16. Section 7671 of the Elections Code is amended to read:

7671. The Secretary of State, no later than 125 days before the presidential primary, shall compute the number of members of central committees to be elected in each county, and shall mail a certificate reporting that information to the elections official of each county and to the Chairperson of the American Independent Party State Central Committee.

SEC. 17. Section 7673 of the Elections Code is amended to read:

7673. If the elections official, on the 73rd day prior to the presidential primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisor district does not exceed the number of candidates to be elected from that Assembly or supervisor district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisor district. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated.

SEC. 18. Section 7675 is added to the Elections Code, to read:

7675. Notwithstanding any other provision of law, a county central committee may select its members at any time by holding a caucus or convention in accordance with the rules and regulations adopted by the county central committee and the state central committee, or by using any other method of selection approved by the state central committee.

SEC. 19. Section 7680 of the Elections Code is amended to read:

7680. Each committee shall meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the current chairperson of the county committee on the second Tuesday in July following the presidential primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

SEC. 20. Section 7692 of the Elections Code is amended to read:

7692. The committee shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the election at the succeeding presidential primary, or the selection pursuant to Section 7675, and qualification of the members of the new committees.

SEC. 21. Section 7750 of the Elections Code is amended to read:

7750. At each presidential primary election, members of central committees may be elected in each county.

SEC. 22. Section 7751 of the Elections Code is amended to read:

7751. For the purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political affiliations transmitted by the elections officials to the Secretary of State on the 135th day prior to the next presidential primary election.

SEC. 23. Section 7770 of the Elections Code is amended to read:

7770. The state party chairperson, no later than the 135th day before the presidential primary election, shall notify the Secretary of State whether or not a county central committee election will be held. In the event that a county central committee election is not held, a county central committee will be convened pursuant to rules adopted by the party.

SEC. 24. Section 7771 of the Elections Code is amended to read:

7771. The elections official, no later than the 115th day before the presidential primary election, shall compute the number of members of central committees to be elected in each supervisorial

or Assembly district if the election of the members is to be by supervisorial or Assembly district pursuant to this chapter.

SEC. 25. Section 7772 of the Elections Code is amended to read:

7772. In each county, the name of each candidate for member of central committees shall appear on the ballot only if she or he has done either of the following:

(a) Filed a nomination paper pursuant to Article 2 (commencing with Section 8020) to Article 6 (commencing with Section 8100), inclusive, of Chapter 1 of Part 1 of Division 8, signed in the candidate's behalf by the voters of the central committee election district in which she or he is a candidate.

(b) Qualified to have her or his name printed on the presidential primary ballot as a candidate for the Peace and Freedom Party nomination to a partisan public office.

SEC. 26. Section 7772.1 of the Elections Code is amended to read:

7772.1. Notwithstanding any other provision of law, if the elections official, on the 73rd day prior to the presidential primary election, finds that the number of candidates nominated for election to a central committee from any election jurisdiction does not exceed the number to be elected from that jurisdiction, the designation of the office and the names of the candidates shall not be printed on this party's ballot in that jurisdiction. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated.

SEC. 27. Section 7780 of the Elections Code is amended to read:

7780. The office of member of central committees may be placed on the presidential primary ballot under the heading "Party Central Committees" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the presidential primary ballot shall be in substantially the following form:

Member of Peace and Freedom Party
 Central Committees, 55th Assembly District
 or
 Member of Peace and Freedom Party
 Central Committees, Alpine County

SEC. 28. Section 7784 is added to the Elections Code, to read:

7784. Notwithstanding any other provision of law, a county central committee, in accordance with the rules and regulations adopted by the committee and subject to the bylaws of the state central committee, may select its members at any time by holding a caucus or convention, or by using any other method of selection approved by the committee.

SEC. 29. Section 7800 of the Elections Code is amended to read:

7800. At the convention meeting of the state central committee, the state central committee shall consist initially of only those members of central committees elected at the most recent presidential primary election or selected pursuant to Section 7784.

SEC. 30. Section 7840 of the Elections Code is amended to read:

7840. The state central committee shall have power to appoint interim county central committees in the following counties:

(a) Counties in which the voters have not elected one or more members of central committees in the presidential primary election preceding the organization of this committee.

(b) Counties in which all members of a county central committee are removed from office or cease to be registered as affiliated with the Peace and Freedom Party.

Persons appointed to interim county central committees pursuant to this section shall meet the qualifications otherwise required of appointees to membership on the county central committees. Notice of any appointments pursuant to this section shall be filed by the state central committee with the elections official of the county for which that interim county central committee is appointed. Interim county central committees appointed pursuant to this section shall have all the powers and privileges afforded county central committees by this part.

SEC. 31. Section 7850 of the Elections Code is amended to read:

7850. At its first meeting on the second Tuesday in July following the presidential primary election and at subsequent meetings, a county central committee, in its sole discretion, may appoint any additional members to the county central committee as it may desire.

SEC. 32. Section 7857 of the Elections Code is amended to read:

7857. If no members of central committees have been elected in a county at the preceding presidential primary election or selected in a county pursuant to Section 7784, or, if for any reason all the members of a county central committee are removed from office or cease to be registered as affiliated as members of the Peace and Freedom Party, then an interim county central committee with full powers may be appointed by the state central committee under the procedures specified in Section 7840.

SEC. 33. Section 7882 of the Elections Code is amended to read:

7882. The committees shall perform other duties and services for this political party as seem to be for the benefit of the party. They shall continue to function and exist until the members of the new committees take office after the succeeding presidential primary election or pursuant to Section 7784.

SEC. 34. Section 8001 of the Elections Code is amended to read:

8001. (a) No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he or she has been eligible to register to vote in the state, the candidate is shown by his or her affidavit of registration to be affiliated with the political party the nomination of which he or she seeks, and (2) the candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he or she seeks within 12 months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he or she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section shall not apply

to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section 5100.

(c) Notwithstanding subdivision (a), a county central committee, subject to the bylaws of the state central committee, may establish the length of time that a candidate for membership on that committee must be shown by his or her affidavit of registration to be affiliated with the political party of that committee, and may establish the length of time that a candidate for membership on that committee must not have been registered as affiliated with a qualified political party other than the political party of that committee.

SEC. 35. Section 8020 of the Elections Code is amended to read:

8020. (a) No candidate's name shall be printed on the ballot to be used at the direct primary unless the following nomination documents are delivered for filing to the county elections official:

- (1) Declaration of candidacy pursuant to Section 8040.
- (2) Nomination papers signed by signers pursuant to Section 8041.

(b) The forms shall first be available on the 113th day prior to the direct primary election, or on the 158th day prior to the primary election for a candidate for membership on a county central committee, and shall be delivered not later than 5 p.m. on the 88th day prior to the primary election. The forms may be delivered to the county elections official by a person other than the candidate.

(c) Upon the receipt of an executed nomination document, the county elections official shall give the person delivering the document a receipt, properly dated, indicating that the document was delivered to the county elections official.

(d) Notwithstanding Section 8028, upon request of a candidate, the county elections official shall provide the candidate with a declaration of candidacy. The county elections official shall not require a candidate to sign, file, or sign and file, a declaration of candidacy as a condition of receiving nomination papers.

SEC. 36. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Approved _____, 2012

Governor